

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.36273 of 2016

and

WMP.No.31184 of 2016

1.A.Mathurai Veeran

2.V.Sivakumar

3.C.Kannan

.... Petitioners

Vs.

1. The Inspector General of Police,
Armed Force, Kilpauk,
Chennai-600 010.

2. The Principal/Commandant,
Ty.PRS, TSP, X Bn, Ulundurpet,
Villupuram District.

3. The Inspector General of Police,
Armed Police, Trichy.

4. The Commandant,
Commandant Office,
Tamil Nadu Special Police VI Battalion,
Madurai-625 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to refix the date of appointment of the petitioners as 31.10.1997 in the category of Grade II Police Constable instead of 01.11.1997 in terms of revised order made in C.A.No.A2/9370/2009, B.O.No.464/2012 dated 20.06.2012 passed by the fourth respondent, in terms of the order dated 06.01.2012 made in W.P.No.12380 of 2007 issued by this Court.

For Petitioners : Mr.G.Ethirajulu

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to refix the date of appointment of the petitioners as 31.10.1997 in the category of Grade II Police Constable instead of 01.11.1997 in terms of revised order made in C.A.No.A2/9370/2009, B.O.No.464/2012 dated 20.06.2012 passed by the fourth respondent, in terms of the order dated 06.01.2012 made in W.P.No.12380 of 2007 issued by this Court.

2. The petitioners would state that they along with several other Police Constables were appointed on 31.10.1997 in various Battalions and undergone training on 31.10.1997 and 01.11.1997 and thereafter, as per the instructions of the first respondent, a seniority list in the cadre of Grade II Police Constable was published in terms of Rule 24(d) of the Tamil Nadu Special Police Subordinate Service Rules and the petitioners were enlisted in Sl.No.4 in the above list as if the petitioners were appointed on 01.11.1997. The petitioners would further state that the fourth respondent, without following the proceedings dated 30.12.1999 in Na.Ka.No.A2/5014/24508/99 passed by the Deputy Inspector General of Police, published a seniority list on 28.03.2000 without including the name of the petitioners. As per Rule 24 (d) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, the seniority of Police Constable should be fixed with reference to marks obtained by them in the final examination conducted at the recruit school. One Mr.Thanikodi filed O.A.No.1996 of 2002 on the file of Tamil Nadu Administrative Tribunal to quash the seniority list dated 28.3.2000 and to refix the seniority list and the said O.A. was renumbered as W.P.No.12380/2007 on the file of this Court and vide order dated 06.01.2012, this Court allowed the said writ petition. Pursuant to the said order, the fourth respondent, vide proceedings dated 20.06.2012, revised the seniority of Thiru.P.Thanikodi, fixing the date of appointment as 31.10.1997 instead of 01.11.1997 in the category of Grade II Police Constable. Hence the petitioners also made a representation dated 17.8.2015 to the fourth respondent seeking to change their appointment date from 01.11.1997 to 30.10.1997. However, the fourth respondent returned the same by informing them to send the representation through proper channel. Thereafter the petitioners sent representation dated 19.08.2015 through the Inspector of Police and since no response was forthcoming, came forward with this writ petition.

3. Heard the submissions on either side and also perused the materials placed before it.

4. Considering the above facts and circumstances, this Court, without going into the merits of the claim projected by

the petitioners, directs the respondents to consider the representation of the petitioners' dated 19.08.2015 in the light of the order dated 06.01.2012 made in W.P.No.12380 of 2007 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Inspector General of Police,
Armed Force, Kilpauk,
Chennai-600 010.
2. The Principal/Commandant,
Ty.PRS, TSP, X Bn, Ulundurpet,
Villupuram District.
3. The Inspector General of Police,
Armed Police, Trichy.
4. The Commandant,
Commandant Office,
Tamil Nadu Special Police VI Battalion,
Madurai-625 014.

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.61847
+1cc to the Government Pleader, S.R.No.62174

W.P.No.36273 of 2016

RK(CO)
CA(07/12/2016)

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