

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.36517 to 36519 of 2016

N.Subramanian (HC 2287) ... Petitioner in W.P.36517/2016
R.Sakthivel (HC 2327) ... Petitioner in W.P.36518/2016
M.Selvaraj (HC 1300) ... Petitioner in W.P.36519/2016

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary of Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Kamaraj Salai,
Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Cuddalore,
Cuddalore (District) ... Respondents in all W.Ps.

Prayer in all W.Ps:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to include the petitioners' name in the selection list for the year 1992-1993 along with their batch mates recruited in the year 1992-1993 with due seniority and award all consequential service benefit on the basis of the petitioners representation dated 01.06.2016, 10.06.2016 and 25.06.2016.

For Petitioner in all W.Ps : Mr.S.Kathiravan

For Respondents in all W.Ps : Mr.S.N.Parthasarathi,
Gov. Advocate.

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2. The writ petitions have been filed seeking Mandamus directing the respondents 2 and 3 to include the name of the petitioners in the selection list for the year 1992-1993 along with their batch mates recruited in the year 1992-1993 with due seniority and award all consequential service benefit on the basis of the petitioners representation dated 01.06.2016, 10.06.2016 and 25.06.2016.

3. The petitioners are serving as Head Constables of Police appeared for the enlistment of Police Constable conducted by the Tamil Nadu Uniformed Service Recruitment Board in the year 1992-93 and passed the relevant tests, such as written test, physical efficiency test and oral test and also completed the medical examination and police verification and they were selected by the T.N.U.S.R.B., but were left behind without giving appointment orders. The petitioners should have been considered for appointment in the year 1995, but they were included and appointed as Police Constables as 15.05.2000.

4. Three persons from Cuddalore District, namely, S.Balakrishnan, V.Parivallal, V.Kumar, whose actual date of enlistment is on 01.03.2002 (1992-1993 Selection batch) were revised and dated into 01.11.1995 and they were also given notional benefits of service from their date of upgradation as Gr.I PC and HC without monetary benefits in accordance with Chief Office memo RC.No.231181 Rect 1(2008) dated 16.03.2015 in reference to the order of this Court in W.P.Nos.41271, 41272 and 41273 of 2016 dated 25.02.2011. Hence, they made representation to the respondents 2 and 3 requesting similar relief. But, the same have not been considered so far. Hence, these petitions.

5. Heard the submissions of the learned counsel appearing for the petitioners and the learned Government Advocate who takes notice for the respondents.

6. It is relevant to extract paragraph No.10 of the order dated 25.02.2011 made in W.P.Nos.41271, 41272 and 41273 of 2006 hereunder:

" 10. Accordingly, the writ petitions stand allowed setting aside the impugned orders passed by the respondent with direction to the respondent to include the names of the petitioner in the select list for the year 1992-93 for the purpose of seniority making it clear that they are only entitled for pay and other

allowances from the date of their actual appointment and they are not entitled for any arrears of salary from the year 1992-93 till the date of their actual appointment and in respect of all other admissible service benefits, the period from 1992-93 till the date of actual appointment shall also be taken note of. No costs.""

7. Considering the submissions made on either side, this Court directs the respondents to consider the representation of the petitioners dated 01.06.2016, 10.06.2016 and 25.06.2016 respectively, in the light of the order of this Court dated 25.02.2011, made in W.P.Nos.41271, 41272 and 41273 of 2006 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners and it is for the respondents to decide the matter, purely on merits. These writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Government of Tamil Nadu,
Secretary of Home Department,
Fort St. George,
Chennai - 600 009.

2. The Director General of Police,
Kamaraj Salai,
Mylapore,
Chennai - 600 004.

3. The Superintendent of Police,
Cuddalore,
Cuddalore (District).

+ 3 ccs to M/s. S. Kathiravan, Advocate SR.59022

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CTK(CO)
Eu 24.10.16