

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37670 of 2016

V.Viswanathan

... Petitioner

Vs.

1 The Director General of Police
Mylapore,
Chennai – 2.

2 The Superintendent of Police
Cuddalore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing first respondent to consider the representation dated 27.09.2016 to refix the seniority by including the petitioner's name in the appropriate place in the select list for the year 1992-93 along with his batch mates recruited in the year 1992-93 in the case of similarly situated persons as done in W.P.No.41271 / 2006 batch cases dated 25.02.2011 and implemented in proceedings in D.O.No.208/2016 C.No.A3/9533/2015 dated 07.03.2016 and W.A.No. 211 of 2009 dated 21.04.2009 and award all consequential service benefits.

For Petitioner : Mr.M.S.Soundara Rajan
For Respondents : Mr.K.Dhananjeyan
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing first respondent to consider the representation dated 27.09.2016 to refix the seniority by including the petitioner's name in the appropriate place in the select list for the year 1992-93 along with his batch mates recruited in the year 1992-93 in the case of similarly situated persons as done in W.P.No.41271 of 2006 batch cases dated 25.02.2011 and implemented in proceedings in D.O.No.208/2016 C.No.A3/9533/2015 dated 07.03.2016 and W.A.No. 211 of 2009 dated 21.04.2009 and award all consequential service benefits.

3.The petitioner would state that he appeared in the Police Constable Selection for the year 1992-93 and has passed all the tests and was also sent for medical examination. He was also directed to appear before the Superintendent of Police, Thiruchirapalli for submitting his finger print for verification on 13.04.1993 as per memorandum in C.No.Ao/21813/93. However, he was not issued with the order of appointment due to the adverse report sent by the local

Police as a case was registered against him in Cr.No.597/91 under Sections 323 and 324 of IPC of Minsuruti Police Station on the complaint of his relative, but his name was deleted while filing the charge sheet.

4.The petitioner would further state that he made representations to the authorities seeking appointment to the post of Police Constable as all the formalities were over as early as on 14.04.1993, but he did not receive any reply. Hence, he filed Original Application before the Tamil Nadu Administrative Tribunal in O.A.No.7319 of 1999. Thereafter, the petitioner was given appointment on 06.02.2002 based on the order of the Tribunal as if he was selected in the year 1999-2000 batch and was sent for training at Temporary Training School at Tuthukudi on 01.03.2002 and was posted to Tamil Nadu Special Police IX2002 and was subsequently promoted as Grade Police Constable and is working at PEW Cuddalore.

5.The petitioner would further state that since he was given appointment on 06.02.2002 and his name was included in the 2002 batch of Police Constable, he had lost his seniority for no fault of his. Hence, the petitioner made representation to the first respondent on

27.09.2016. But the same has not been considered so far. Hence, this petition.

6.The learned counsel appearing for the petitioner would submit that this Court vide order dated 25.02.2011 has allowed the writ petitions filed by the similarly placed persons in W.P.Nos.41271 to 41273 of 2006 by placing reliance upon the judgment of the Hon'ble Division Bench of this Court dated 21.04.2009 made in W.A.No.211 of 2009 and further submitted that the said order has been implemented by the Superintendent of Police, Cuddalore District in D.O.208/2016 C.No.A3/9533/2015 dated 07.03.2016.

7.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who take notice for the respondents.

8.Considering the submissions made on either side and without going into the merits of the case, this Court directs the respondents to consider the representation of the petitioner dated 27.09.2016, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

9.The writ petition is disposed of accordingly. No costs.

01.11.2016

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Index: Yes/ No

Internet: Yes/ No

To

- 1 The Director General of Police
Mylapore,
Chennai – 2.
- 2 The Superintendent of Police
Cuddalore District.

R.SUBBIAH,J.

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