

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37680 of 2016

S.Sakthivel

... Petitioner

Vs.

- 1 The Director General of Police
Chennai - 600 004.
- 2 The Superintendent of Police
Thiruvannamalai District.
- 3 The Tamilnadu Uniform Services
Recruitment Board,
Chennai - 20. ... 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 26.09.2016 to include the petitioner name at the appropriate place in the select list of Police Constable of the year 1992-1993 selection along batch mates and grant consequential service benefits in the light of proceedings of third respondent in C.No.D1/1192/2000 dated 17.04.2001 and judgment in W.P.No.19914/2012 and 19915/2012 dated 04.07.2014.

For Petitioner : Mr.M.S.Soundara Rajan
For Respondents : Mr.C.Jagadish
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 26.09.2016 to include the petitioner name at the appropriate place in the select list of Police Constable of the year 1992-1993 selection along batch mates and grant consequential service benefits in the light of proceedings of third respondent in C.No.D1/1192/2000 dated 17.04.2001 and judgment in W.P.No.19914/2012 and 19915/2012 dated 04.07.2014.

3.The petitioner would state that he appeared in the Police Constable Selection for the year 1992-93 at Vellore Armed Reserve Maithan and has passed all the tests. Thereafter, he was sent for medical examination on 16.12.1992. However, he was not issued with the order of appointment. Thereafter, when he enquired about his result, he was informed orally that he was found unfit during medical examination and his candidature was rejected on the ground of defective vision. Hence, the petitioner consulted an Eye Specialist and the Eye Specialist gave his report on 22.04.1993 stating that he is having a normal vision. Subsequently, the petitioner also took a second opinion from the Civil Surgeon, Government Ophthalmic Hospital, Madras and she also stated that the petitioner has normal vision.

4.The petitioner would further state that he made representation to the Secretary, Government of Tamil Nadu on 21.04.1994 and since he did not receive any reply, he approached this Court by filing W.P.No.11324 of 1993 and based on the orders passed by this Court in the said writ petition on 24.02.2000, the petitioner was permitted to appear for second Medical Examination and the second Medical Board found that he had no defect in the eyes. Thereafter, a memorandum was issued by the Tamil Nadu Uniform Services Recruitment Board on 17.04.2001 in C.No.D1/1192/2000 and the petitioner's name was resolved to be included in the Provisional Selection list of Police Constables of 1992-1993. Thereafter, the petitioner was sent for training in the next batch of training from 28.02.2002 at Temporary Police Training School at Thutukudi. The petitioner was promoted as Grade I Constable in the year 2012 and as Head Constable in the year 2014 and the petitioner came to know that his name was included in the seniority list of 2002.

5.The petitioner would further state that since his name was included in the seniority list of 2002, he made representation dated 26.09.2016 to the respondent seeking to refix his seniority. 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 04.07.2014 has allowed the writ petitions filed by the similarly placed persons in W.P.Nos.19914 and 19915 of 2012. He has also placed reliance upon the order of this Court dated 25.02.2011 made 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 26.09.2016, 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.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1 The Director General of Police
Chennai - 600 004.

2 The Superintendent of Police
Thiruvannamalai District.

3 The Tamilnadu Uniform Services
Recruitment Board,
Chennai - 20.

+1 cc to Mr.M.S.Soundararajan,advocate,sr.61910

+1 cc to Govt.Pleader,sr.62161.

msm(co)
krd 5/12

सत्यमेव जयते

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