

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38394 of 2016

K.Sivakumar

... Petitioner

Vs.

1. The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai - 9.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the Respondents to consider and pass orders on the representation made by the petitioner dated 11/05/2016 for fixation of seniority in the cadre of Sub-Inspector of Police based on the marks obtained by the petitioner in the Police Training College at par with those who have been selected like that of the petitioner in the light of the Government order issued in G.O.(Ms).No.534 Home (Police- 3) dated 6/7/2009 by including the petitioners name in the appropriate place of selected candidates of the year 1997-98 within a reasonable time and grant such other further relief as this Court may deem fit in the circumstances of the case.

For Petitioner : Mr.T.Ayngaraprabhu

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and pass orders on the representation made by him dated 11.05.2016 for fixation of seniority in the cadre of Sub-Inspector of Police based on the marks obtained by him in the Police Training College on par with those who have been selected like that of the petitioner in the light of the Government order issued in G.O.(Ms).No.534 Home (Police- 3) dated 6/7/2009 by including his name in the appropriate place of selected candidates of the year 1997-98 within a reasonable time.

3. Though very many contentions have been raised in the affidavit filed in support of the writ petition, the main grievance of the petitioner is that the Government vide G.O.Ms.No.534, Home (Pol.3) Department dated 6.7.2009, fixed the seniority of 49 persons, who have been granted relief based on the order of the Division Bench of this Court dated 25.2.2005 made in W.P.Nos.17639 to 17660 of 2001, based on their marks obtained in the final examination in the Police Training College by relaxing Rule 39(a) of the Special Rules for Police Subordinate Service Rules in their favour as a special case. In the said GO, the Government clearly states that those 49 candidates have to be placed along with those who were appointed in the year 1997-98. The petitioner is also similarly placed person like that of the above 49 persons and hence, his seniority in the cadre of Sub Inspector of Police has to be fixed based on his marks obtained by him at the final examination in the Police Training College, by including his name in the appropriate place in the panel of selected candidates for the year 1997-98 and grant all consequential service and monetary benefits, including promotion. In this regard, he sent a representation dated 11.5.2016 to the respondents. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondents to consider the representation of the petitioner dated 11.5.2016 seeking inclusion of his name in the appropriate place in the panel of selected candidates for the year 1997-98 and for consequential service and monetary benefits including promotion, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that

this Court is not expressing any opinion with regard to the claim projected by the petitioner and it is for the respondents to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai - 9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.63550
+1cc to the Government Pleader, S.R.No.63292

W.P.No.38394 of 2016

SSI (CO)
CA(02/12/2016)

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