

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39698 of 2016

K.Manimaran (HC 967)

... Petitioner

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,
Nagapattinam,
Nagapattinam District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to include the petitioner's name in the selection list of the year 1992-1993 along with his batch mates recruited in the same year 1992-1993, with due seniority and award all consequential service benefits on the basis of the petitioner's representation dated 26.10.2016.

For Petitioner : Mr.S.Kathiravan
For Respondents : Mr.N.Srinivasan
Additional Government Pleader

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 petitioner's name in the selection list of the year 1992-1993 along with his batch mates recruited in the same year 1992-1993, with due seniority and award all consequential service benefits on the basis of the petitioner's representation dated 26.10.2016.

3.The petitioner who is serving as Head Constable of Police appeared for the enlistment of Police Constable conducted by the Tamil Nadu Uniform Service Recruitment Board (T.N.U.S.R.B.) 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 he was selected by the T.N.U.S.R.B., but was left behind without giving appointment orders. The petitioner would state that he should have been considered for appointment in the year 1995, but was included and appointed as Police Constable on 15.05.2000.

4.The petitioner would further state that three persons from Cuddalore District namely, S.Balakrishnan, V.Parivallal, V.Kumar whose actual date of enlistment is on 01.03.2002 (1992-93 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 2006, dated 25.02.2011. Hence, he made representation to the respondents 2 and 3 requesting similar relief. But the same has not been considered so far. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader 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 petitioner dated 26.10.2016, 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.

8. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

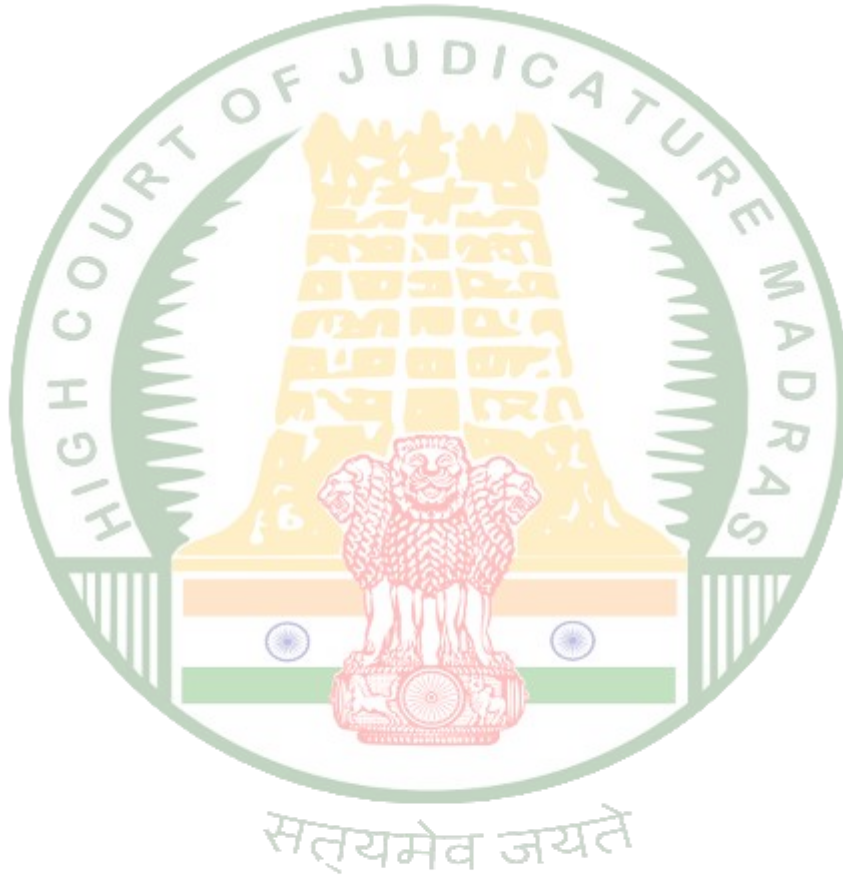
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Chennai - 600 004.

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Nagapattinam,
Nagapattinam District.

+1cc to Mr.S. Kathiravan, Advocate, S.R.No.65375
+1cc to the Government Pleader, S.R.No.65886

nr (CO)
md (18/11/2016)

W.P.No.39698 of 2016



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