

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.12.2016
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 43926 of 2016

1. R. Selvarani
2. F. Xavier Rani
3. V. Jayachitra

..Petitioners

Vs.

1. Government of Tamil Nadu
rep. by its Secretary
Home (Police) Department
Fort St. George
Chennai - 600 009.
2. The Chairman
Uniformed Services Recruitment Board
Egmore, Chennai - 600 008.
3. The Director General of Police
Office of the Directorate
General of Police
Santhome High Road
Chennai - 600 004.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to extend the benefit of G.O. Ms.534 Home (Police-3) Department dated 06.07.2009 as well as G.O. Ms. No.93 Home (Police-3) Department dated 06.02.2015 in favour of the petitioners by considering the representations dated 29.11.2016 and pass further orders.

For Petitioner : Mr. R. Singaaravelan, Sr. Counsel
for M/s. M. Srividhya

For Respondents : Mr. R. Rajeswaran, Spl.G.P

O R D E R

By consent, the writ petition itself is taken up for final hearing. Mr. P. Rajeswaran, learned Special Government Pleader takes notice for the respondents.

2. The petitioners have come up with the present writ petition praying to direct the respondents to consider the representations dated 29.11.2016 of the petitioners and extend the benefit of G.O. Ms.534 Home (Police-3) Department dated 06.07.2009 as well as G.O. Ms. No.93 Home (Police-3) Department dated 06.02.2015, to the petitioners.

3. It is stated that the petitioners were selected and appointed by the Tamil Nadu Uniformed Service Recruitment Board during the year 1991, 1990 and 1997 respectively, as Police Constables. Based on the notification dated 02.04.1998, the petitioners participated in the direct recruitment selection for the post of Sub Inspector of Police. Since the marks secured by the petitioners were less than the cut-off marks prescribed for their Range, they were not selected. The grievance of the petitioners is that though some of the candidates who have secured less than the marks obtained by the petitioners, have been selected and appointed as Sub Inspector of Police, since the cut-off marks prescribed for the Ramnad Range was very low. The said selection made zone-wise was subjected to litigation. Challenging the order passed by the Tamilnadu Administrative Tribunal against the zone-wise selection, the Government filed a writ petition before this Court. During the pendency of the case, in the subsequent selection conducted during the year 2004, the petitioners participated under direct recruitment and were appointed. Subsequently, based on the common order passed by the Division Bench of this Court, on the pending writ petitions, 53 candidates were appointed as Sub Inspector of Police and their seniority were reckoned from 1997-1998 and were sent for training. They were also given further promotions from 2010 onwards. The order of this Court was later confirmed by the Hon'ble Supreme Court, on appeal filed by the Government. Based on the recommendations of the Director General of Police, the Government passed an order in G.O.Ms.No.534 Home (Police-3) department dated 06.07.2009, reckoning the seniority of about 49 candidates from 16.04.1999. It is further pointed out that even the candidates who were sent for training in the second batch, were given the benefit of fixation of seniority from 19.04.1999, vide G.O.Ms. No.93 Home (Police-3) Department dated 06.02.2015. Although the petitioners participated in the same selection and obtained higher marks, were not given the benefit of the said

Government Orders in G.O.Ms. No.534 Home (Police-3) department dated 06.07.2009 and G.O.Ms. No.93 Home (Police-3) Department dated 06.02.2015, inspite of their repeated representations.

4. Learned senior counsel appearing for the petitioners would submit that the petitioners have made representations repeatedly to the respondents from 2009 and 2010 itself. The petitioners seek only to re-fix their seniority in the cadre of Sub Inspector of Police (Women), extending the benefit of G.O.Ms. No.534 Home (Police-3) department dated 06.07.2009 and G.O.Ms. No.93 Home (Police-3) Department dated 06.02.2015, in their favour. The petitioners have recently submitted a representation on 29.11.2016 to the respondents but the same is still pending and so is constrained to file this Writ Petition.

5. Learned Special Government Pleader submitted that the petitioners have submitted their representation only on 19.11.2016 and without waiting for a reasonable time, they have approached this Court.

6. Heard Mr. R. Singaaravelan, Senior Counsel for Mrs. M. Srividhya, learned counsel for the petitioners and Mr. P. Rajeswaran, Special Government Pleader for the respondents.

7. Considering the above facts and circumstances of the case, without expressing any opinion on the merits of the case, the first respondent is directed to consider the representation of the petitioners dated 29.11.2016 in the light of G.O.Ms. No.534 Home (Police-3) department dated 06.07.2009 and G.O.Ms. No.93 Home (Police-3) Department dated 06.02.2015, on merits and in accordance with law, as expeditiously as possible, not later than four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of, on the above terms. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary
Government of Tamil Nadu
Home (Police) Department
Fort St. George
Chennai - 600 009.
2. The Chairman
Uniformed Services Recruitment Board
Egmore, Chennai - 600 008.
3. The Director General of Police
Office of the Directorate
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Santhome High Road
Chennai - 600 004.

+1 cc to M/s.M.Srividhya Advocate sr 74746
+1 cc to Government Pleader sr 76301

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