

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8695 of 2016

K.Thamba

.. Petitioner

-vs-

1. The Secretary to Government
Home (Police) Department
Fort St.George
Chennai 600 009

2. The Director General of Police
O/o Director General of Police
Mylapore, Chennai 600 004 ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 25.11.2015 and to dispose of the same in accordance with law, within a prescribed time limit.

For Petitioner :: Mr.P.Kannan

For Respondents :: Mr.S.Gunasekaran
Additional Government Pleader

ORDER

The petitioner, Mr.K.Thamba, who is presently serving as Head Constable, has given a representation on 25.11.2015 to the respondents requesting them to consider his case as a special one, since they can invoke their power conferred under Rule 24 (d) of the Tamil Nadu Special Police Subordinate Service Rules, 1978 for the purpose of refixation of seniority, with reference to his selection as Police Constable Grade-II, for the year 1991, by placing him above the Police Constables, selected in the year 1993, for the reason that though he was selected for recruitment as Police Constable Grade-II for the year 1989-90, he was not given appointment for no fault of him.

2. According to the petitioner, after sometime, the Government ignored the selectees of 1989-90 batch and proceeded to conduct fresh selection and thereby ignored the legitimate

expectation of the petitioner, who was already selected. In the meanwhile, the petitioner succeeded in every stage of selection, namely, Physical Efficiency Test, Written Test and Viva-Voce. Beyond that, he also cleared the Medical Fitness Test and Police Verification. Finally, in view of the repeated representations, the Government considered the grievance of the petitioner and the Commandant of Police, Tamil Nadu Special Police, IX Battalion, issued an order of appointment as Police Constable Grade-II on 20.10.1997, pursuant to G.O.Ms.No.606, Home (Police-III) Department dated 24.04.1997.

3. Thereafter, the petitioner was sent for training at Thiruvallur Temporary PRS on 31.10.1997. After completing the same, he joined the service as Police Constable Grade-II in the Tamil Nadu Special Police-II, Avadi, during the year 1998. In this background, the petitioner has given a representation to fix his seniority over the selectees, who entered into service in the year 1989-90. As the same has not been considered, he has come to this Court seeking for a limited direction to the respondents to consider and dispose of his representation in accordance with law.

4. Heard the learned counsel for the petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader takes notice on behalf of the respondents.

5. This Court, considering the limited prayer made by the petitioner, without going to the merits, hereby directs the respondents to consider the representation of the petitioner dated 25.11.2015 on merits and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VII)

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Sub Assistant Registrar

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To

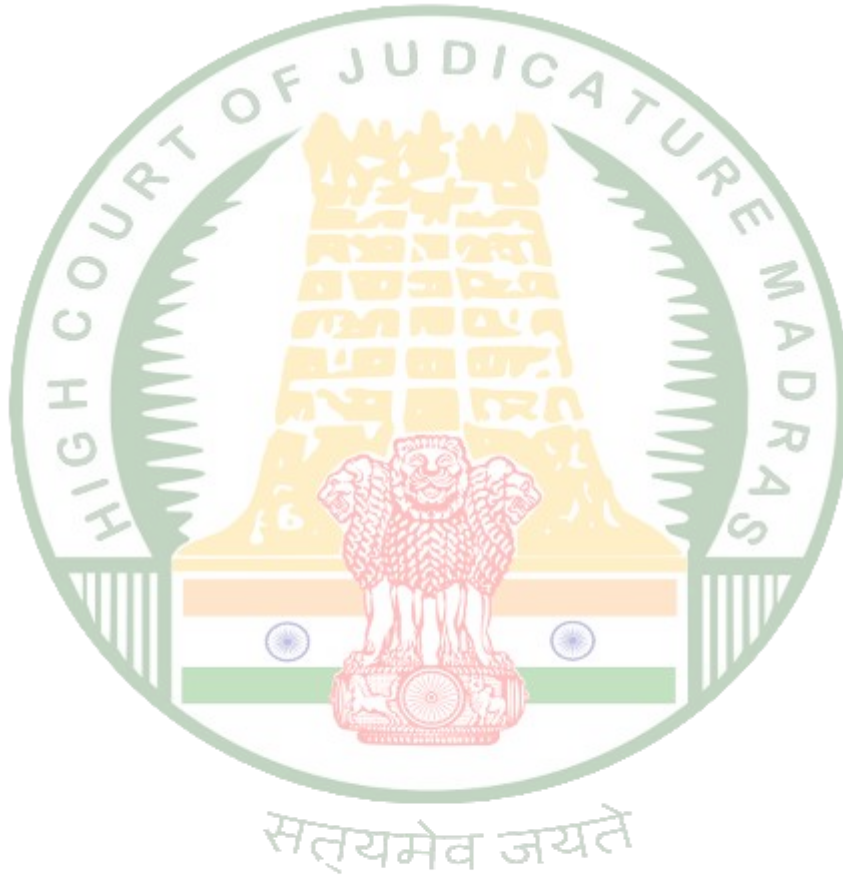
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+1 cc to M/s.P.Kannan, Advocate, sr.19048
+1 cc to The Government Pleader, sr.19373

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kra 04.04.2016



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