

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 4177 of 2017

M. Subramanian

..Petitioner

Vs.

1. State rep. by the Principal Secretary
to the Government,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Mylapore, Chennai - 600 004. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 21.02.2014 on the basis of the judgment of the Division Bench of this Court in W.P. Nos. 38792 and 38793 of 2003 dated 10.09.2007 and to accord all service benefits.

For Petitioner :: Mr.L.P. Balaji Ram
For Respondents :: Mrs.M.E. Rani Selvam,
Addl. Govt. Pleader

O R D E R

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

2. Mrs.M.E. Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents.

3. The petitioner would state that he was directly recruited as Sub Inspector of Police in the year 1976. He would further submit that as per Rule 25 of Special Rules of Tamil nadu State Police Subordinate Service Rules, as amended by G.O.Ms. No. 3037, Home Department dated 25.08.1965, seniority of directly recruited Sub Inspectors of Police was fixed in accordance with the marks obtained by them in the Police Training College and the said Rule was amended in 1985 by virtue of G.O.Ms. No. 767 Home (Pol.III) dated 28.03.1985 and as a consequence of the amendment, the seniority

of the petitioner was refixed and pushed down by many places. The said amendment was challenged by Tvlgl. G. Rajamoney & S. Durairaj in T.A. Nos. 110/90 and 72/92 respectively before the Tamil Nadu Administrative Tribunal and both the applications were dismissed and challenging the same, they filed W.P. Nos. 38792 & 38793 of 2003 respectively and vide common order dated 10.09.2007, the Division Bench of this Court allowed the said writ petitions and thereafter, it was put to challenge by the official respondents in SLP Nos. 447 & 448 of 2008. However, no stay was granted and ultimately, the stay petitions came to be dismissed on 06.08.2010 and the Government, implemented the order of the Division Bench of this Court by issuing G.O. Ms. No. 724 Home Police-III Department dated 14.08.2010 in and by which, the original seniority of the said G. Rajamoney and S. Durairaj, were alone restored based on the marks obtained by them in the Police Training College as per the pre-amended Rules, subject to the result of the SLPs pending before the Honourable Supreme Court. Since the benefits were given to those persons, who approached the Court, persons, similarly placed, filed W.P. No. 25373 of 2010 and by order dated 10.11.2010, the said writ petition was disposed of directing the respondents therein to pass orders on the basis of the representation of the petitioners therein and extend the benefit of the order of the Division Bench of this Court.

4. Learned counsel for the petitioner would submit that the petitioner has retired from service on 31.08.2009 and claiming benefits in terms of G.O.Ms. No. 724 Home Police III Department dated 14.08.2010 cited supra, submitted representation dated 21.02.2014 to the respondents and despite receipt and acknowledgement, no orders have been passed and hence, the petitioner came forward to file the present writ petition. It is also the submission of the learned counsel for the petitioner that the matter is squarely covered by the order dated 10.11.2010 passed in W.P. No. 25373 of 2010 in R.Kannappan and 2 others V. State of Tamil Nadu represented by its Secretary to Government, Home Department, Fort St. George, Chennai - 9 and another and therefore, prays for appropriate orders.

5. This Court heard the submissions of Mrs.M.E. Raniselvam, learned Additional Government Pleader for the respondents.

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6. Though the petitioner prays for a larger relief, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider the petitioner's representation dated 21.02.2014, and pass orders, on merits and in accordance with law, after taking note of the above cited Government Order, namely, G.O.Ms. No. 724 Home Police III Department dated 14.08.2010 as well as the order dated 10.11.2010 in W.P. No. 25373 of 2010, within a period of 12 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

nv

Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

To

1. The Principal Secretary
to the Government,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Mylapore, Chennai - 600 004.

+1 CC to Govt. Pleader SR.NO.11168

+1 CC to Mr.L.P. Balaji Ram Advocate SR.NO.10654

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LRS [CO]
MK:07/03/2017

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