

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7254 of 2017

E.Ravi

.. Petitioner

-vs-

1. State of Tamil Nadu represented by
its Secretary
Home (Police-III) Department
The Secretariat, Chennai 600 009
 2. Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004
 3. The Commissioner of Police
Greater Chennai, Vepery
Chennai 600 007
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 2 and 3 to include the name of the petitioner in the select list for the year 1992-93 in the post of Grade II Constable without any arrears of salary from the year 1992-93 till the date of his actual appointment on 15.5.2000 and also to provide other admissible service benefits from the year 1992-93 till the date of the said appointment on 15.5.2000 within time frame.

For Petitioner :: Mr.K.Ravi Anantha Padmanaban

For Respondents:: Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner was selected for the post of Grade II Police Constable for the year 1992-93. It is the claim of the petitioner that when 10,376 Police Constables were selected in the State of Tamil Nadu, by different batches, the selected Constables were sent for training. Accordingly, the first batch of 1992-93 selected Constables were sent for training on 9.6.93,

the second batch on 16.6.93, the third batch on 16.3.94, the fourth batch on 1.3.95 and the last and final batch on 31.10.95. However, the remaining 376 persons including the petitioner were made to wait on administrative grounds, may be on the ground of no vacancy. Finally, the petitioner was appointed to the post only on 15.5.2000. Thereafter, he was promoted as Grade-I Constable and also further promoted as Head Constable. But the grievance of the petitioner is that when the Grade-II Police Constables, namely, Mr.S.Balakrishnan, Mr.V.Parivallal and Mr.V.Kumar approached this Court by way of W.P.Nos.41271 to 41273 of 2006 seeking to quash the order dated 8.9.2006 impugned therein with a consequential direction to include their names in the select list for the year 1992-93 along with their batch mates recruited in the year 1992-93 with due seniority and other consequential benefits, this Court, by order dated 25.2.2011, allowing the writ petitions by setting aside the order impugned therein, issued a direction to the respondent-Director General of Police to include their names in the select list for the year 1992-93 for the purpose of seniority, making it clear that they were entitled for pay and other allowances from the date of their actual appointment and not entitled for any arrears of salary from the year 1992-93 till the date of 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. Pursuant thereto, it is stated that the Superintendent of Police, Cuddalore District also issued a proceeding dated 7.3.2016 implementing the order. The relevant portion of the said proceeding reads as under:-

Sl .N o.	Rank & Name	Actual date of enlistme nt	Revised date of enlistme nt	Revised date of Selectio n Grade	Revised date of Upgradat ion as Gr.I PC	Revised date of Upgradat ion as HC
1	Gr.I PC 1456 S.Balakrishnan Cuddalore NT PS	1.3.2002	1.11.1995	2.11.2005 1 day LWP (P) on 12.3.2003	1.12.2005	1.12.2010
2	Gr.I PC 1836 V.Parivallal Panruti PS	1.3.2002	1.11.1995	1.11.2005	1.11.2005	1.11.2010
3	Gr.I PC 1478 V.Kumar Cuddalore NT PS	1.3.2002	1.11.1995	1.11.2005	1.11.2005	1.11.2010

Under this background, a prayer was made to issue a direction to

the respondents 2 and 3 to consider the petitioner's case in the light of the order passed by this Court in W.P.Nos.41271 to 41273 of 2006 dated 25.2.2011 and the proceeding implementing the said direction. He has also further produced one more order dated 9.9.2016 passed in W.P.Nos.31551 to 31557 of 2016 under similar circumstances.

2. Mr.T.M.Pappiah, learned Special Government Pleader takes notice on behalf of the respondents.

3. This Court, considering the limited prayer, without going to the merits of the matter, hereby directs the respondents 2 and 3 to consider the case of the petitioner, in the light of the order passed by this Court in the aforementioned two writ petitions and also the consequential order passed by the Superintendent of Police, Cuddalore, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Home (Police-III) Department
Secretariat
Chennai 600 009

2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai 600 004

3. The Commissioner of Police
Greater Chennai, Vepery
Chennai 600 007

Copy to
The Superintendent of Police
Cuddalore.

+1cc to Mr. Ravi Anantha Padmanaban, Advocate SR.No.18843
+1cc to Government Pleader SR.No.18817

W.P.No.7254 of 2017

MG (CO)
GN(10/04/2017)