

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8189 of 2013

K.Palanivelu

.. Petitioner

vs.

1.The Government of Tamil Nadu,
Secretary to Home Department,
Fort St.George, Chennai - 600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.

3.The Superintendent of Police,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the third respondent in D.O.777/2008, C.No.B3/3239/2008 dated 26.06.2008 and quash the same and consequently direct the respondent Nos.2 and 3 to revise and regularise the service seniority and give the notional promotion with monetary benefits to the petitioner.

For petitioner : Mr.A.Rajaram

For respondents 1 to 3 : Mr.S.Diwakar
Special Government Pleader

ORDER

Mr.S.Diwakar, learned Special Government Pleader, takes notice for the respondents.

2. The learned counsel for the petitioner submitted that the issue raised in the present Writ Petition is squarely covered by the common order dated 21.9.2012 passed by this Court in W.P.Nos.25624 to 25628 of 2012 wherein the identical case of the similarly placed persons have been considered and the Writ Petitions were disposed of.

3. For the sake of better understanding, the order dated 21.9.2012 passed by this Court in W.P.Nos.25624 to 25628 of 2012 is extracted hereunder:-

"The petitioners are all retired Head Constables of Police. According to them, they are entitled for the benefits of Government Orders in G.O.Ms.No.844, Home (Police-v) Department, dated 03.06.1997 and G.O.Ms.No.13, Home (Police-V) Department, dated 6.1.2010. According to the petitioners, similarly placed persons made representations for revising their pay scale based on the above Government Orders. They were all rejected. Therefore, they filed a batch of Writ Petitions before this Court in W.P.Nos.16728 of 2012 and etc., batch wherein by order dated 03.07.2012, this Court set aside the rejections orders and directed the respondents to reconsider the claim of those petitioners. Para 9 of the said order reads as follows:-

"9. In the light of the said submissions, respective impugned orders dated 3.6.2011, 7.6.2011, 11.4.2011, 18.4.2011, 21.4.2011 are set aside. The respondents are directed to reconsider the claim made by the petitioners based on the Government Orders referred above, bearing-in-mind, the earlier orders and pass fresh orders. Necessary orders are directed to be passed within a period of four months from the date of receipt of a copy of this order.

All the Writ Petitions are disposed of with the above directions. No costs."

2. In the cases on hand, of course, it is true that there was no claim made and as such, there is no rejection of their claim.

3. In my considered opinion, since this Court has taken a view earlier in the Batch of Writ Petitions in W.P.Nos.16728/2012 and etc., batch to direct the respondents to consider such representations based on the above Government Orders, I am of the view that the petitioners herein may also be extended the same benefit.

4. In such view of the matter, all the above Writ Petitions are disposed of with a direction to the respondents to consider the case of the petitioners in the light of the above said two

Government Orders and in the light of the order passed by this Court in the Batch of Writ Petitions in W.P.Nos.16728/2012 and etc., batch. No costs. Consequently, connected Miscellaneous Petitions are also closed."

4. In the light of the above said order passed by this Court and in the light of the aforesaid Government Orders, the impugned order dated 26.06.2008 passed by the third respondent is set aside and remitted back to the third respondent. The third respondent is directed to re-consider the claim of the petitioner and pass orders by taking into consideration of the order dated 21.9.2012 passed by this Court in W.P.Nos.25624 to 25628 of 2012, within a period of 3 months from date of receipt of a copy of this order.

5. In the result, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Home Department,
The Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.

3.The Superintendent of Police,
Cuddalore District.

+1cc to M/S.A.Rajaram, Advocate Sr.11827

W.P.No.8189 of 2013

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srg 28/03/2017