

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2017

CORAM
THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.Nos.17534 and 18725 of 2013,

W.P.No.12168 of 2015 and W.M.P.No.12422 & 12423 of 2016,
W.P.No.14206 of 2016 and W.M.P.Nos.12424, 12425 & 12426 of 2016,
W.P.No.14207 of 2016 and
W.P.Nos. 29487 & 32975 of 2017

S.PRABAKARAN PETITIONER IN WP.17534/2013

1 S.RADHAKRISHNAN PETITIONER in WP No.18725 of 2013

2 V.ASHOK KUMAR

3 SENTHILKUMARAN

4 P. CHANDRAMOHAN

5 R.MUTHARASU

6 A.MURUGASAMY

7 K.SRIDAR BABU

8 A.D.MOHAN RAJ

9 K. RAMASAMY

10 M.MADASAMY

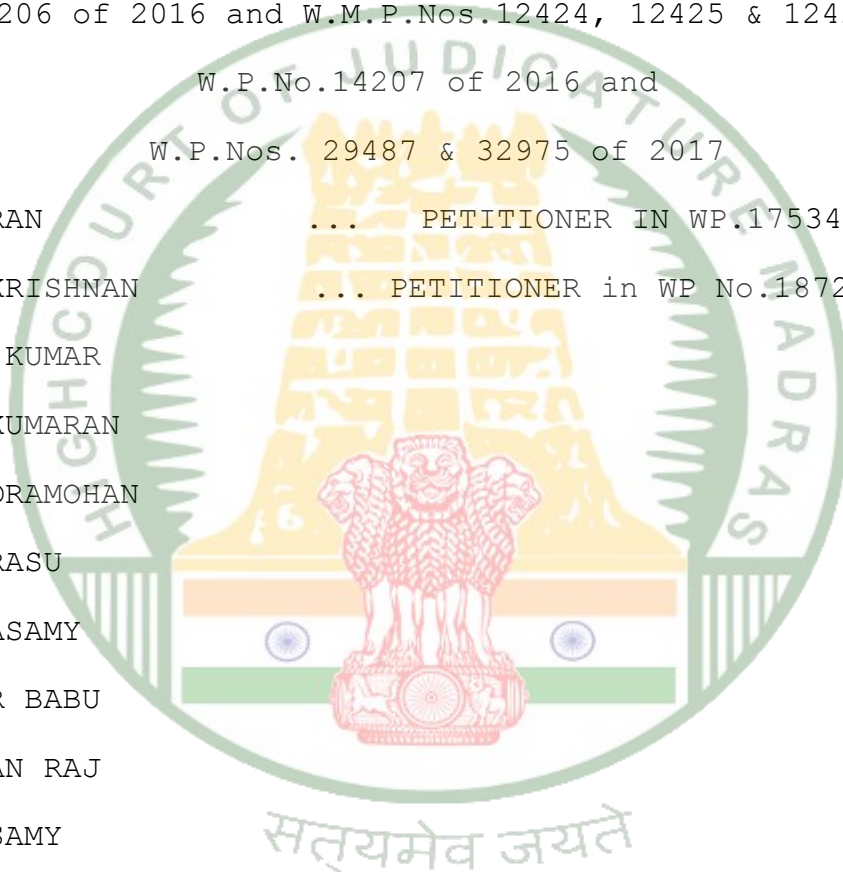
11 P.PREMKUMAR

12 S.RAJKUMAR

13 R.VEDARATHINAM

14 S. THIRUNAVUKARASU

15 S.ELANGO



WEB COPY

16 M.KARTHIKEYAN
DEPUTY SUPERINTENDENT OF POLICE SPECIAL
INVESTIGATION TEAM COIMBATORE @ MADURAI 5
LOURDHU NAGAR 8TH STREET K.PUDUR MADURAI

17 M.M.ASHOK KUMAR

18 N.MOHANRAJ

19 ABDULLAH

20 V.R.GAJENDRAKUMAR

21 K.P.S.JEYACHANDRAN

22 R.VEERARAGHAVAN

23 V.VELAN

24 M.KANAGARAJAN

25 P.ARUMUGHAM

26 H.M.SAHUL HAMEED

27 R.GUNASEKARAN

28 S.M.SUBRMANIAM

29 K.SRIDHARAN

30 C.PERIYAIYA

31 P.GANESAN

1 S.SELVARAJ

... PETITIONER in WP No.12168 of 2015

2 G.ARUL

3 P.SASIKUMAR

4 K.VELLUCHAMY

5 A.P.NAGARAJ

6 T.DHANDAPANI

7 P.PALANIYANDI

8 P.ANBURAJ

9 R.JAYAVEERASINGAM

10 A.AYYANAR

11 T.CHELLASAMY

12 M.SARAVANAN

13 P.T.VICTOR

14 J.VIJAYAKUMAR

15 S.SARAVANAN

16 S.P.SUNDARAM

17 M.S.MADASAMY

18 P.SACHITHANADAM

19 S.PRABAKARAN

20 K.DURAI SAMY

21 T.RENGANATHAN

22 D.DEVARAJ

23 L.SELVAM

24 J.MAHESHWARALINGAPPA

25 R.RAJASEKARAN

26 G.RAVICHANDRAN

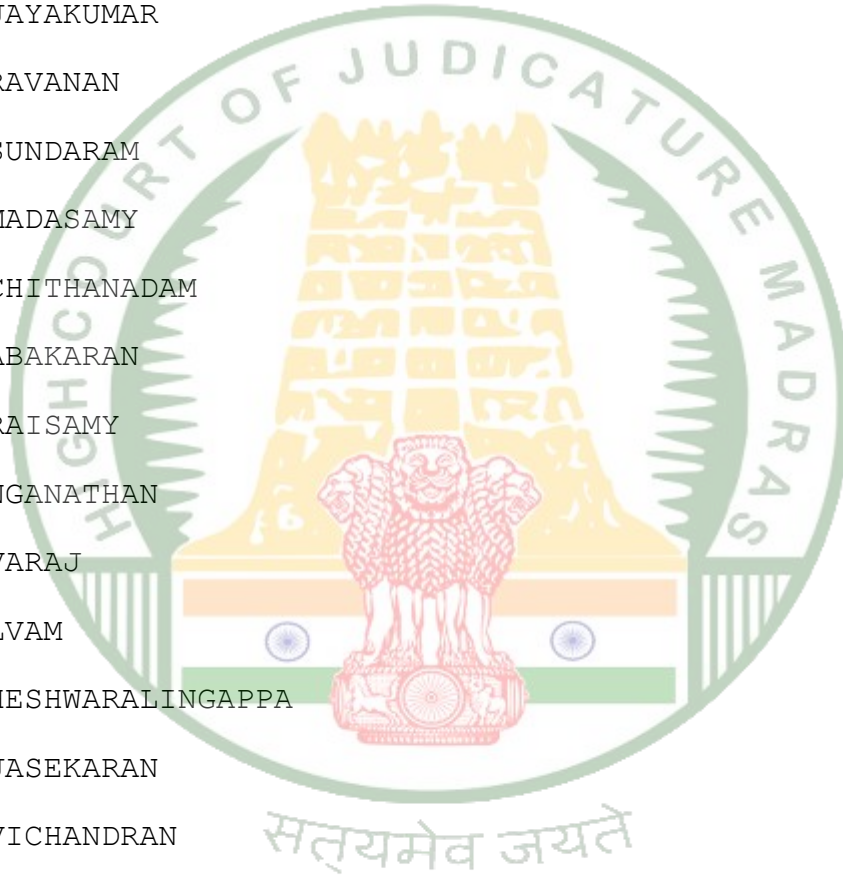
27 R.MOORTHY

28 S.RAVICHANDRAN

29 P.KUMAR

30 T.PONNUSAMY

31 K.KAVIYARASAN



WEB COPY

1 RAJESWARAN ... PETITIONER in WP No.14206 of 2016

2 M.SARAVANAN

1 S.CHARLES SAM RAJADURAI ... PETITIONER in WP No.14207 of 2016
INSPECTOR OF POLICE INTELLIGENCE SECTION
O/O.COMMISSIONER OF POLICE VEPERY CHENNAI.

2 P.JAWAHAR
INSPECTOR OF POLICE J-6 THIRUVANMIYUR
POLICE STATION CHENNAI-41.

3 R.VINCENT
INSPECTOR OF POLICE PALLAPPATTI POLICE
STATION SALEM CITY.

4 M.JUSTIN PRABAKARAN
INSPECTOR OF POLICE EB VIGILANCE MADURAI.

5 K.R.JAISINGH
INSPECTOR OF POLICE SPECIAL TASK FORCE
ERODE.

6 S.SAMPATH KUMAR
INSPECTOR OF POLICE BARGUR POLICE STATION
KRISHNAGIRI.

7 PON DURAI PANDIAN
INSPECTOR OF POLICE SECURITY BRANCH CID
CHENNAI.

8 K.SASIKUMAR
INSPECTOR OF POLICE SPECIAL TASK FORCE
SATHIYAMANGALAM ERODE DISTRICT.

9 K.MURUGESAN
INSPECTOR OF POLICE Q BRANCH CID
KRISHNAGIRI DISTRICT.

10 C.UMAPATHY
INSPECTOR OF POLICE CBCID COIMBATORE.

11 S.SARAVANA DEVENDRAN
INSPECTOR OF POLICE P.C.PATTI POLICE
STATION THENI.

- 12 R.SENTHIL
INSPECTOR OF POLICE DISTRICT CRIME BRANCH
KRISHNAGIRI DISTRICT.
- 13 A.PEER BASHA
INSPECTOR OF POLICE PROHIBITION ENFORCEMENT
WING CHIDAMBARAM CUDDALORE DISTRICT.
- 14 D.SELVAKAN DAVID
INSPECTOR OF POLICE S-CID-HQ CHENNAI-4.
- 15 S.SARAVANA PRABHU
INSPECTOR OF POLICE PROHIBITION ENFORCEMENT
WING ANNA NAGAR CHENNAI.
- 16 P.PANDITHURAI
INSPECTOR OF POLICE SPECIAL INTELLIGENCE
UNIT SB-CID TRICHY.
- 17 G.RAMESH KUMAR
INSPECTOR OF POLICE MODERN CONTROL ROOM
COIMBATORE.
- 18 V.V.SIVAKUMAR
INSPECTOR OF POLICE PERUNDURAI POLICE
STATION ERODE DISTRICT.
- 19 R.NITHIKUMAR
INSPECTOR OF POLICE SIVAKASI EAST POLICE
STATION VIRUDHUNAGAR DISTRICT.
- 20 R.RAMESH KANNAN
INSPECTOR OF POLICE CONTROL ROOM
COIMBATORE DISTRICT.
- 21 S.GNANAPRAKASAM
INSPECTOR OF POLICE ARACHALUR POLICE
STATION ERODE DISTRICT.
- 22 A.MURUGAN
INSPECTOR OF POLICE THENI Q BRANCH THENI
DISTRICT.
- 23 P.ANAND
INSPECTOR OF POLICE CHINNAMANNUR POLICE
STATION THENI DISTRICT.

24 K.MANIKANDAN
INSPECTOR OF POLICE MANDAPAM POLICE STATION
RAMESHWARAM SUB-DIVISION RAMNAD DISTRICT.

25 S.BALASUNDARAM
INSPECTOR OF POLICE KOTHAGIRI POLICE
STATION NILGIRIS.

1 P. JAWAHAR ... PETITIONER in WP No.29487 of 2017
INSPECTOR OF POLICE L & O (SELECTION GRADE)
H-1 WASHERMENPET POLICE STATION CHENNAI 600
021

2 SARAVANA PRABHU
INSPECTOR OF POLICE L & O (SELECTION GRADE)
B2 ESPLANADA POLICE STATION CHENNAI 600 104

3 P. PANDITHURAI
INSPECTOR OF POLICE (SELECTION GRADE)
SPECIAL INTELLIGENCE UNIT CB-CID TRICHY

4 G. RAMESHKUMAR
INSPECTOR OF POLICE (SELECTION GRADE)
SPECIAL INTELLIGENCE UNIT CB-CID TRICHY

5 S. BALASUNDARAM
INSPECTOR OF POLICE (SELECTION GRADE)
KOTHAGIRI CIRCLE THE NILGIRIS DIST

6 V.V. SIVAKUMAR
INSPECTOR OF POLICE (SELECTION GRADE)
SATHIYAMANGALAM POLICE STATION ERODE DIST

7 S. GNANAPRAKASAM
INSPECTOR OF POLICE (SELECTION GRADE)
ARACHALUR POLICE STATION ERODE DIST

8 A. PEER BASHA
INSPECTOR OF POLICE (SELECTION GRADE)
SHRIMUSHNAM CIRCLE POLICE STATION
SETHIYATOPE SUB DIVISION CUDDALORE DIST

9 K. MURUGESAN
INSPECTOR OF POLICE (SELECTION GRADE) Q
BRANCH CID KRISHNAGIRI DISTRICT

10 K.MANIKANDAN

INSPECTOR OF POLICE (SELECTION GRADE)
SOCIAL JUSTICE & HUMAN RIGHTS UNIT
SIVAGANGA DIST

1 C.R.NAGARAJ ... PETITIONER in WP No.32975 of 2017
ASSISTANT COMMISSIONER OF POLICE ARMED
RESERVE COIMBATORE CITY COIMBATORE.

Vs

1.STATE OF TAMIL NADU,
REP. BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME DEPARTMENT,
SECRETARIAT, CHENNAI-9.

1.(A)THE ADDL. CHIEF SECRETARY TO GOVERNMENT HOME DEPT
FORT ST. GEORGE, CHENNAI.

2.THE DIRECTOR GENERAL OF POLICE,
CHENNAI-4.

...RESPONDENT 1 & 2 IN ALL WP'S

3.THE CHAIRMAN,
TAMIL NADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD,
V.O.C.NAGAR, PARK TOWN,
CHENNAI-3.

...RESPONDENT 3 IN WP.NOS.17534 & 18725/13

4.THE SECRETARY,
TAMIL NADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD,
V.O.C.NAGAR, PARK TOWN,
CHENNAI-3.

5.K.RAJESWARAN
6.S.SARAVANAN
7.P.SASIKUMAR
8.P.KUMAR
9.R.MOORTHY
10.M.S.MADASAMY
11.P.ANBURAJ
12.P.SACHIDANANDAM
13.P.JANAGARAJ
14.K.DURAISAMY
15.S.PRABAKARAN
16.M.ATHIYAMAN
17.J.RENGANATHAN

WEB COPY

18.D.DEVARAJ
19.G.KALIDAS
20.K.VELUSAMY
21.A.AYYANAR
22.D.KOTTAIVIJAYAN
23.P.PALANIYANDI
24.R.JAGAVEERASINGAM
25.L.SELVAN
26.A.P.NAGARAJ
27.S.PETCHIVELU

... RESPONDENTS

[R5 TO R27 IMPEADED AS PER ORDER OF THIS COURT
DT.21.10.13 IN M.P.NO.2/13 IN W.P.NO.17534/13]

3 S.PALANI
4 P.ARUL SEKAR
5 R.RAJESH
6 G.PARANDHAMAN
7 L.NANTHAKUMAR
8 S.MATHIVANAN
9 S.RAJKUMAR
10 D.SINGARAVEL
11 S.ANANDARAJ
12 N.GOVARTHANAN
13 N.VIMALKUMAR

(R-3 TO R-13 ARE IMPEADED
AS PER ORDER DATED: 16/12/2016 BY MSNJ IN
WMP.33250/2016 IN WP.14206/2016.)

... RESPONDENTS 3 to 13 in WP No.14206 of 2016

3 P.STEPHEN
INSPECTOR OF POLICE T1-POLICE STATION
AMBATTUR CHENNAI-600 053.

4 V.SEETHARAMAN
INSPECTOR OF POLICE CRIME M-5 ENNORE
POLICE STATION CHENNAI.

- 5 E.MCCLARINE ESKHOL
INSPECTOR OF POLICE ECONOMIC OFFENCES-II
TIRUNELVELI RAMANATHAPURAM DISTRICT.
- 6 G.AUGUSTINE PAUL SUDHAKAR
INSPECTOR OF POLICE CRIME BRANCH CID METRO-
1 CHENNAI.
- 7 K.SUNDARARAJ
INSPECTOR OF POLICE CENTRAL CRIME BRANCH
TIRUPPUR CITY COIMBATORE.
- 8 A.YAKKOOB
INSPECTOR OF POLICE Q BRANCH CID CHENNAI.
- 9 S.UNNIKRISHNAN
INSPECTOR OF POLICE SBCID CHENNAI.
- 10 S.RAMAKRISHNAN
INSPECTOR OF POLICE SID CRIME BRANCH CID
MADURAI.
- 11 S.NAMASIVAYAM
INSPECTOR OF POLICE DISTRICT SPECIAL BRANCH
ERODE DISTRICT.
- 12 R.KUMARESAN
INSPECTOR OF POLICE POLICE COMPUTER WING
CHENNAI.
- 13 G.A.KANNAN
INSPECTOR OF POLICE DISTRICT CRIME BRANCH
TIRUNELVELI DISTRICT.
- 14 V.VISWESWARAYYA
INSPECTOR OF POLICE VIGILANCE & ANTI
CORRUPTION CHENNAI.
- 15 K.SARAVANAN
INSPECTOR OF POLICE DISTRICT CRIME RECORD
BUREAU MADURAI DISTRICT.
- 16 P.JAYAKUMAR
INSPECTOR OF POLICE C5 KORIMEDU CRIME
POLICE STATION MADURAI.
- 17 G.CHANDIRADHASAN
INSPECTOR OF POLICE SECRETARIAT ROVING WING
SECRETARIAT CHENNAI.

- 18 M.SOMASUNDARAM
INSPECTOR OF POLICE DHARAPURAM L& O
TIRUPPUR DISTRICT.
- 19 A.PHILIP FRANKLIN KENNEDY
INSPECTOR OF POLICE BODI TALUK POLICE
STATION THENI DISTRICT.
- 20 R.VENUGOPAL
INSPECTOR OF POLICE CB CID METRO WING
CHENNAI.
- 21 T.GOPAL
INSPECTOR OF POLICE SPECIAL BRANCH CID
HEAD QUARTERS CHENNAI.
- 22 S.BASKARAN
INSPECTOR OF POLICE NAMAKKAL TOWN POLICE
STATION NAMAKKAL DISTRICT.
- 23 T.MATHIALAGAN
INSPECTOR OF POLICE OCIU SBCID TRICHY.
- 24 V.ANIL KUMAR
INSPECTOR OF POLICE SECURITY BRACH CID PORT
THOOTHUKUDI.
- 25 R.SOUNDARA RAJAN
INSPECTOR OF POLICE AVINASI L & O TIRUPPUR
DISTRICT.
- 26 R.CHANDRA SEKHARAN
INSPECTOR OF POLICE VIGILANCE & ANTI
CORRUPTION RAMANATHAPURAM DISTRICT.
- 27 V.V.THIRUMAL
INSPECTOR OF POLICE VIGILANCE & ANTI
CORRUPTION CUDDALORE.
- 28 S.JUSTIN RAJ
INSPECTOR OF POLICE SPECIAL BRANCH C.I.D
CHENNAI.
- 29 N.SURIYAMOORTHY
INSPECTOR OF POLICE PEW METTUR SALEM
DISTRICT.

- 30 S.SHANMUGAIAH
INSPECTOR OF POLICE VELAMPALAYAM POLICE
STATION TIRUPPUR.
- 31 M.PRAKASH BABU
INSPECTOR OF POLICE KELAMBAKKAM POLICE
STATION KANCHEEPURAM DISTRICT.
- 32 S.PANBALAN
INSPECTOR OF POLICE SPECIAL TASK FORCE
ERODE.
- 33 G.BALAMURUGAN
INSPECTOR OF POLICE MADUKKARAI POLICE
STATION COIMBATORE DISTRICT.
- 34 K.RAMACHANDRAN
INSPECTOR OF POLICE VIGILANCE & ANTI
CORRUPTION PUDUKOTTAI DISTRICT.
- 35 R.SRINIVASALU
INSPECTOR OF POLICE SELVAPURAM L&O POLICE
STATION COIMBATORE.
- 36 M.ANNADURAI
INSPECTOR OF POLICE ECONOMIC OFFENCES WING
CHENNAI.
- 37 S.PRABHAKARAN
INSPECTOR OF POLICE MOB SCRB CHENNAI.
- 38 K.BALAMURUGAN
INSPECTOR OF POLICE KENIKARAI POLICE
STATION RAMANATHAPURAM.
- 39 M.VIVEKANANDAN
INSPECTOR OF POLICE NAMBIYURN POLICE
STATION ERODE DISTRICT.
- 40 S.BALAKUMAR
INSPECTOR OF POLICE SEMPATTY POLICE STATION
DINDIGUL DISTRICT.
- 41 S.MURUGAVEL
INSPECTOR OF POLICE ARANTHANGAI POLICE
STATION PUDDUKOTTAI DISTRICT.

- 42 N.KOTTIESWARAN
INSPECTOR OF POLICE PROHIBITION ENFORCEMENT
WING CHEYYAR TIRUVANNAMALAI DISTRICT.
- 43 R.RAVINDRAN
INSPECTOR OF POLICE SB CID CHENNAI.
- 44 S.SATHIYAMOORTHY
INSPECTOR OF POLICE COMPUTER WING SCRB
CHENNAI.
- 45 R.ALAGESAN
INSPECTOR OF POLICE ELEPHANT GATE L&O
CHENNAI POLICE.
- 46 P.KARUPPIAH
INSPECTOR OF POLICE DISTRICT CRIME RECORD
BUREAU KARUR DISTRICT.
- 47 B.SRIDHAR
INSPECTOR OF POLICE V&AC ARIYALUR.
- 48 K.YUVARAJ
INSPECTOR OF POLICE AYANAVARAM L&O CHENNAI.
- 49 N.BALASUBRAMANIAN
INSPECTOR OF POLICE OCCU CB CID SALEM.
- 50 R.RAJ BABU
INSPECTOR OF POLICE Q BRANCH CID
VILLIPURAM.
- 51 C.VELUMANI
INSPECTOR OF POLICE CHENNIMALAI POLICE
STATION ERODE DISTRICT.
- 52 N.RAVICHANDRAN
INSPECTOR OF POLICE SECURITY GREATER
CHENNAI.
- 53 A.RAJENDRAN
INSPECTOR OF POLICE ECONOMIC OFFENCES WING
CHENNAI.
- 54 G.HECTOR DHARMARAJ
INSPECTOR OF POLICE VIGILANCE & ANTI
CORRUPTION KANIYAKUMARI DISTRICT.

- 55 R.SANKAR
INSPECTOR OF POLICE KEERAITHURAI L&O
MADURAI.
- 56 G.PALANISELVAM
INSPECTOR OF POLICE VADAPALANI L & O
CHENNAI.
- 57 G.VELMURUGAN
INSPECTOR OF POLICE CRIME BRANCH CID
CHENNAI.
- 58 T.PRABHAHARAN
INSPECTOR OF POLICE Q BRANCH CID DINDIGUL.
- 59 C.NATESAN
INSPECTOR OF POLICE INTELLIGENCE SECTION
CHENNAI.
- 60 N.K.SELVARAJ
INSPECTOR OF POLICE CCTNS SALEM.
- 61 S.MUTHUVELPANDI
INSPECTOR OF POLICE CENTRAL CRIME BRANCH
CHENNAI.
- 62 P.CHANDRASEKARAN
INSPECTOR OF POLICE ECONOMIC OFFENCES WING
II COIMBATORE.
- 63 D.KUMAR
INSPECTOR OF POLICE KILPENNATHUR POLICE
STATION TIRUVANNAMALAI DISTRICT.
- 64 I.SUBBIAH
INSPECTOR OF POLICE SB CID CHENNAI.
- 65 N.SUGUMAR
INSPECTOR OF POLICE CIVIL SUPPLIES CID
TIRUCHIRAPPALLI.
- 66 M.VETRY CHEZHIAN
INSPECTOR OF POLICE TNUSRB CHENNAI.
- 67 R.ARNOLD EASTER
INSPECTOR OF POLICE V4 RAJAMANGALAM
POLICE STATION CHENNAI.

- 68 M.KUMARAGURUPARAN
INSPECTOR OF POLICE VIGILANCE & ANTI
CORRUPTION SIC CHENNAI.
- 69 K.RADHAKRISHNAN
INSPECTOR OF POLICE DISTRICT SPECIAL BRANCH
DHARMAPURI DISTRICT.
- 70 G.KRISHNAMOORTHY
INSPECTOR OF POLICE CC WING CRIME BRANCH
CID COIMBATORE.
- 71 G.HARIKUMAR
INSPECTOR OF POLICE MARINA POLICE STATION
L&O CHENNAI.
- 72 A.J.RAVIKUMARAN
INSPECTOR OF POLICE PERARIGNAR ANNA M.G.R.
MEMORIAL POLICE STATION CHENNAI.
- 73 R.PONNARASU
INSPECTOR OF POLICE NALLATINPUDUR POLICE
STATION THOOTHUKUDI.
- 74 N.ARUMUGAM
INSPECTOR OF POLICE CONTROL ROOM
THOOTHUKUDI DISTRICT.
- 75 P.KALAISELVAN
INSPECTOR OF POLICE OCIU SB CID CHENNAI.
- 76 P.K.PRAKASH
INSPECTOR OF POLICE SCRB CHENNAI.
- 77 P.GOPALACHANDRAN
INSPECTOR OF POLICE SIRUGANUR POLICE
STATION TRICHY DISTRICT.
- 78 K.SANKAR
INSPECTOR OF POLICE HOSUR TOWN POLICE
STATION KRISHNAGIRI DISTRICT.
- 79 S.RAMESH BABU
INSPECTOR OF POLICE INTELLIGENCE SECTION
CHENNAI.

- 80 A.ANTONY ARI
INSPECTOR OF POLICE CRIME BRANCH CID
CHENNAI.
- 81 K.KANAGARAJ JOSEPH
INSPECTOR OF POLICE VIGILANCE CELL
(JUDICIAL) HIGH COURT OF MADRAS CHENNAI.
- 82 R.MUTHAMILSELVAN
INSPECTOR OF POLICE Q BRANCH CID THANJAVUR.
- 83 D.SURESH
INSPECTOR OF POLICE KATOOR L&O COIMBATORE.
- 84 S.SOUNDARARAJAN
INSPECTOR OF POLICE SID CB CID COIMBATORE.
- 85 M.SIVANUPANDIAN
INSPECTOR OF POLICE TNPA CHENNAI.
- 86 M.MUTHUKUMAR
INSPECTOR OF POLICE SB CID CHENNAI.
- 87 A.MANIKANDAN
INSPECTOR OF POLICE Q BRANCH CID
COIMBATORE.
- 88 K.ASOKAN
INSPECTOR OF POLICE CHINNAMANUR POLICE
STATION THENI DISTRICT.
- 89 G.MATHIALAGAN
INSPECTOR OF POLICE VIGILANCE & ANTI
CORRUPTION THOOTHUKUDI.
- 90 H.KRISHNAMURTHY
S/O.HALLAN INSPECTOR OF POLICE SBCID
RADHAKRISHNAN SALAI MYLAPORE CHENNAI 4
- 91 S.J.JOHN KENNEDY
S/O.SAMRAJ INSPECTOR OF POLICE SBCID
RADHAKRISHNAN SALAI MYLAPORE CHENNAI 4
- 92 A.V.ELAMURUGAN
S/O.VELLIYANGIRI INSPECTOR OF POLICE M3
KOVILPALAYAM POLICE STATION COIMBATORE
- 93 R.MATHIALAGAN
S/O.P.RAMACHANDRAN SECURITY CHENNAI POLICE

- 94 B.MATHEW DAVID
S/O.BASKAR DAVID INSPECTOR OF POLICE V &
AC CC-IV CHENNAI
- 95 M.CHELLAMUTHU
S/O.MAHALINGAM INSPECTOR OF POLICE E3
TEYNAMPET CRIME CHENNAI.
- 96 P.KUMARAN
S/O.PALANIAPPAN INSPECTOR OF POLICE
R-9 VALASARAVAKKAM CRIME CHENNAI.
- 97 M.JEEVANANDAM
S/O.P.R.MATCHAKKALAI INSPECTOR OF POLICE
SBCID RADHAKRISHNAN SALAI MYLAPORE
CHENNAI-4.
- 98 G.PUGAZHVENDHAN
S/O.R.GOVINDASAMY INSPECTOR OF POLICE
SBCID RADHAKRISHNAN SALAI MYLAPORE
CHENNAI-4.
- 99 G.PRAVINKUMAR
S/O.A.GUNASEKAR INSPECTOR OF POLICE
SBCID RADHAKRISHNAN SALAI MYLAPORE
CHENNAI-4.
- 100 A.SIVARAJAN
S/O.S.N.ARUMUGAPANDIAN INSPECTOR OF POLICE
SBCID RADHAKRISHNAN SALAI MYLAPORE
CHENNAI-4.
- 101 A.T.JAIKUMAR
S/O.A.THIYAGARAJAN INSPECTOR OF POLICE B4
SEVVAPET POLICE STATION TIRUVALLUR DIST.
- 102 M.BALASUBRAMANIAN
S/O.M.MARUTHAPPAN INSPECTOR OF POLICE
SBCID RADHAKRISHNAN SALAI MYLAPORE
CHENNAI-4.
- 103 K.SUTHAKAR
S/O.KANAGARAJ INSPECTOR OF POLICE
SBCID RADHAKRISHNAN SALAI MYLAPORE
CHENNAI-4.

- 104 A.ARUALARASU JUSTIN
S/O.ARUL PANDIAN INSPECTOR OF POLICE
SBCID RADHAKRISHNAN SALAI MYLAPORE
CHENNAI-4.
- 105 M.VENKATESAN
S/O.MEYAPPAN INSPECTOR OF POLICE D3
ICE HOUSE POLICE STATION CHENNAI.
- 106 K.RAMAMOORTHY
S/O.S.KRISHNASWAMY INSPECTOR OF POLICE
POLUR POLICE STATION POLUR SUB
DIVISION TIRUVANNAMALAI.
- 107 M.GUNASEKARAN
S/O.MUTHUSAMY INSPECTOR OF POLICE
SERIOUS CRIME SQUAD VELLORE DIST.
- 108 M.LOGANATHAN
P.A. MANI INSPECTOR OF POLICE SPECIAL
BRANCH VELLORE DIST.
- 109 M.ARIVAZHAGAN
S/O.MUTHUKRISHNAN INSPECTOR OF POLICE
VELLORE NORTH POLICE STATION VELLORE.
- 110 A.T.RAMACHANDRAN
S/O.A.THANGAIAH INSPECTOR OF POLICE
VELLORE TALUK CIRCLE VELLORE DIST.
- 111 C.V.VIJAYAKUMAR
S/O.M.VELAPPAN INSPECTOR OF POLICE
ARCOT TALUK CIRCLE RANIPET SUB DIVISION
VELLORE DIST.
- 112 SRIDHARAN
S/O.PERIYATHAMBI INSPECTOR OF POLICE
ARAKONAM TOWN POLICE STATION ARAKONAM SUB
DIVISION VELLORE.
- 113 V.E.SENTHIL
S/O.EGA MOORTHY INSPECTOR OF POLICE
THIRUPATHUR TALUK POLICE STATION VELLORE
DISTRICT.
- 114 N.KARUNAKARAN
S/O.A.NATARAJAN INSPECTOR OF POLICE
REDHILLS POLICE STATION REDHILLS
CHENNAI.

- 115 S.MURUGAN
S/O.SUBRAMANIAN INSPECTOR OF POLICE
PALLIKONDA CIRCLE VELLORE DIST.
- 116 R.RAMESH
S/O.RAMALINGAM INSPECTOR OF POLICE
BANAVARAM CIRCLE VELLORE DIST.
- 117 V.S.G.SURESH
S/O.V.S.GAJENDRAN INSPECTOR OF POLICE
TIRUVANNAMALAI TOWN POLICE STATION
TIRUVANNAMALAI TOWN SUB DIVISION
THIRUVANNAMALAI DIST.
- 118 M.T.IRUDHAYARAJ
S/O.M.THANGARAJ INSPECTOR OF POLICE
THANDARAMBET CIRCLE POLICE STATION
TIRUVANNAMALAI RURAL SUB DIVISION
TIRUVANNAMALAI DIST.
- 119 K.ANNADURAI
S/O.M.KANNAN INSPECTOR OF POLICE
SPECIAL BRANCH CID (DETACHMENT)
TIRUVANNAMALAI DIST.
- 120 K.NILAVAZHAGAN
S/O.R.KRISHNAMOORTHY INSPECTOR OF POLICE
GUDIYATHAM PEW VELLORE DIST.
- 121 M.VIJAYAKUMAR
S/O.S.MUTHUPONDIYAN INSPECTOR OF POLICE
VANDAVASI CIRCLE VANDAVASI SUB DIVISION
TIRUVANNAMALAI DIST.
- 122 R.CHINNARAJ
S/O.K.RAMAN INSPECTOR OF POLICE ARNI
TALUK POLICE STATION ARNI SUB DIVISION
TIRUVANNAMALAI DIST.
- 123 G.ANNBADURAI
S/O.P.GANAPATHY INSPECTOR OF POLICE
VIGILANCE CELL (JUDICIAL) TRICHY
DETACHMENT TRICHY DISTRICT.
- 124 K.SRIDHARAN
S/O.M.THANGARAJ INSPECTOR OF POLICE
KILPENNATHUR POLICE STATION
TIRUVANNAMALAI SUB DIVISION
TIRUVANNAMALAI DIST.

125 K.THANGAVEL
S/O.KALIYAPPA GOUNDER INSPECTOR OF
POLICE UTHUKULI POLICE STATION GANGEYAM
SUB DIVISION THIRUPPUR DISTRICT.

126 M.N.VISWANATH JAYAN
S/O.NARAYANAN PRESENTLY WORKING AS
INSPECTOR OF POLICE F-3 NUNGAMBAKKAM
POLICE STATION CHENNAI.

127 T.SARAVANAN
S/O.A.V.THYAGARAJAN PRESENTLY WORKING AS
INSPECTOR OF POLICE KARUNALALKOODAI
POLICE STATION METTUR SUB DIVISION SALEM
DIST.

128 S.SEENIVASAN
S/O.S.G.SIVAN PRESENTLY WORKING AS
INSPECTOR OF POLICE DISTRICT SPECIAL
BRANCH SALEM DIST.

129 S.KRISHNAN
S/O.SADAYANDI PRESENTLY WORKING AS
INSPECTOR OF POLICE JALAKANDAPURAM
POLICE STATION SALEM DIST.

130 D.KANDASAMY
PRESENTLY WORKING AS INSPECTOR OF POLICE
DEEVATTIPATTY POLICE STATION SALEM DIST.

(R-90 TO R-130 CONTD.
R-90 TO R-130 ARE IMPEADED AS PER ORDERS
DATED: 18/08/2016 BY B.R. J IN WMPS.21651 &
22156/2016 IN WP NO.14207/2016.)

... RESPONDENTS 3 to 130 in WP No.14207 of 2016

3 P. KODILINGAM
INSPECTOR OF POLICE SERIOUS CRIME SQUAD
TRICHY CITY

... 3rd RESPONDENT in WP No.29487 of 2017

Prayer in W.P.No.17534 of 2013: Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus to direct the respondents 1 and 2 to publish immediately a fresh seniority list of the Inspectors of Police, Deputy Superintendents of Police and Additional Superintendents of Police duly prepared in accordance with the judgment of a

Division Bench of the Hon'ble Court in W.P.No.20728 of 2012 dated 05.04.2013.

WP No.17534 of 2013
directing respondents 1 and 2 to publish immediately a fresh seniority list of the Inspectors of Police, Deputy Superintendents of Police and Additional Superintendents of Police fully prepared in accordance with the judgment of a Division Bench of the Honourable court in WP No.20728 of 2012, dated 5.4.2013

WP No.18725 of 2013
to call for the records on the file of the 1st respondent in connection with the orders by him in Letter NO.6196/ Pol.2/2011-5 dated 28.6.2013 and quash the same and direct the respondents to consider the petitioners for promotion to the next post on the basis of the judgment rendered by the Honourable Division Bench of this Honourable court in W.A.Nos.849 to 854 of 2010 dated 5.4.2013

WP No.12168 of 2015
direction or order to the respondents to include the names of the petitioners who are working as Sub Inspector of Police in the Armed Reserve fit for promotion to the post of Inspector of Police in the Armed Reserve and consequently direct the respondents to promote the petitioners with retrospective effect with all consequently benefits

WP No.14206 of 2016
Directing the 1st respondent to act on the recommendations of the 2nd respondent made in RC.No.128883/ NGB.I(1)/2013 dated 08.03.2014 and temporarily promote the petitioners as Inspector of Police (Armed Reserve) as per Rule 39(a) (1) of Tamil Nadu State & Subordinate Service Rules by creating the Supernumerary Posts with effect from 2013

WP No.14207 of 2016
Calling for the records pertaining to the impugned proceedings in Home (Police-2) Department Police Note No.1, dt.13.01.2016 issued by the 1st respondent and consequential proceedings in R.C.No.00878/ NGB.I(1)/2016 dated 01.02.2016 issued by the 2nd respondent and quash the same in respect of the respondents 3 to 89 who are in Serial Number 22 to 108 in impugned Proceedings in Home (Police-2) Department Police Note No.1, dt.13.01.2016 issued by the 1st respondent and direct the respondents 1 and 2 to promote the petitioners temporarily from Inspectors to Deputy Superintendent of Police as recommended by the 2nd respondent in R.C.No.109372/ NGB.I(1)/05 dated 23.02.2006

WP No.29487 of 2017
calling for the records pertaining to impunged proceedings
issued in Police Note No.15, Home (Police -2) Department dated
03.11.2017 passed by the 1st respondent and quash the same and
consequently promote the petitioners to the post of Deputy
Superintendent of Police

WP No.32975 of 2017
Directing the 1st respondent to pass appropriate orders on the
recommendation made by the 2nd respondent vide Reference
No.162187/ GB III(1)/ 2014 dated 14.5.2015 and the
representation of the petitioner dated 19.11.2017 forthwith for
promoting the petitioner as Additional Superintendent of Police
Category-II from the Post of Deputy Superintendent of Police
Category-II with all monetary emoluments with retrospective
effect

For Petitioner/s :

Mr.K.Duraisamy, Sr. Counsel,
for M/s.Lesi Saravanan,
for petitioner/s in WP.Nos.14207/16 & WP.29487/17

Mr.D.Selvam for M/s.Lesi Saravanan
- for petitioner/s No.4,5,8,9,11 to 13, 15 to 20, 22,
29 to 31 in W.P.No.12168/15

No appearance

- for petitioner/s in W.P.Nos.14206/16, 18725/13, 17534/13,
32975/17
- for petitioners No.1 to 3,6,7,10,14,21,23 to 28 in
W.P.No.12168/15

For Respondent/s:

Mr.K.Venkataramani, Addl. Advocate General
assisted by Mr.V.Jayaprakash Narayanan, Spl. Govt. Pleader,
Mr.ERA.Premnath, Govt. Advocate
and Mr.M.Elumalai, Govt. Advocate
- for R1 and R2 in all WPs

Mr.P.Wilson, Senior Counsel
for Mr.G.Sankaran & Mr.E.Vijay Anand
- for respondents
No.3,4,6,8,15,20,21,28,35,52,61,67,71,80,85,
90 to 125, 9,37,43,44,50,76,84,126 to 130
in W.P.No.14207/16 - for R3 to R13 in W.P.No.14206/16
- for R3 in W.P.No.29487/17

Ms.C.N.G.Niraimathi, Standing Counsel for TNPSC
- for R3 in W.P.No.18725/13
- for R3 & R4 in W.P.No.17534/13

No appearance

- for respondents No.5,7, 10 to 14, 16 to 19, 22 to 27,
29 to 34, 36 to 49, 51, 53 to 60, 62 to 66, 68 to 70,
72 to 79, 81 to 84, 86 to 89 in W.P.No.14207/16
- for R5 to R27 in W.P.No.17534/13

C O M M O N O R D E R

Heard the learned counsels appearing for the respective parties.

2. The Hon'ble Division Bench, by order dated 03.08.2017 in W.A.Nos.1092 and 1103 of 2016, directed the Registry to list the matter before the single Judge on 10.08.2017 with two other directions, one to dispose of the matter on merits within a period of fifteen days after hearing the parties and all the contentions to be urged by the parties; and another to maintain status quo till the matter is decided by the single Judge and the relevant portion of the order is extracted hereunder:

"3.Be that as it may. Considering the fact that the dispute relates to fixation of inter se seniority and promotion and also considering the fact that the matter is pending adjudication before the learned single Judge, we feel that the matter shall be heard and disposed of on merits by the learned single Judge. Accordingly, we request the learned single Judge to dispose of the matter on merits within a period of 15 days after hearing the parties and all the contentions are left open to be urged by the parties before the learned single Judge on 10.08.2017. The parties are directed to maintain status quo till the matter is decided by the learned single Judge. With this observation, the Writ Appeals are disposed of accordingly."

3. Originally, G.O.Ms.No.1237 Home [Pol.VIII] Department, dated 27.10.2004 was issued in recognising and appreciating the Police Officers/Police men for their bravery, heroic action and gallantry for conducting a daring and intrepid operation against the forest brigand Veerappan. In the said operation, the forest brigand Veerappan and his three associates were shot dead and after a fierce encounter, the operation came to an end. Therefore, the Government thought fit to announce a cash reward of Rs.3,00,000/- to each of the personnel deployed under the Special Task Force. Finally, the Government have sanctioned Rs.22.71crores towards payment of cash award of Rs.3,00,000/- each to all the 757 Police Officers/Police men who were part of

the Special Task Force. Among other benefits, namely, cash award, one stage accelerated promotion was also given to them. Accordingly, they were given one stage accelerated promotion from their respective posts vide G.O.Ms.No.1252 Home [Pol.VIII] Department dated 29.10.2004. The said G.O. makes it clear that one stage accelerated promotion were given to all the 752 Special Task Force personnel involved in the operation and the relevant points in paragraph No.5 also given under :

"5. ... [c] 748 supernumerary posts be created in order to accommodate those who are accorded accelerated promotion. These posts now sanctioned are person oriented and they shall lapse whenever the incumbents vacate the post on retirement from service or otherwise. ...

[e] The names of individual who are granted accelerated promotion be placed at the bottom of the seniority list of the respective category existing on the date of their joining duty in the new post."

4. Subsequently, the Government also issued another G.O.Ms.No.798, Home [Pol.VIII] Department, dated 05.06.2007, to create supernumerary posts which shall be in existence till the officers concerned vacates the posts on retirement from service or promotion to the next higher rank or otherwise or the date on which the officer concerned would have otherwise got regular promotion. The relevant portion of the said G.O. is also extracted hereunder :

" 5. ... [e] The supernumerary posts shall be in existence till the officers concerned vacates the posts on retirement from service or promotion to the next higher rank or otherwise or the date on which the officer concerned would have otherwise got regular promotion and he should be accommodated against the regular vacancy against which he would have otherwise got promoted, whichever earlier.

[f] The vacancies caused due to accelerated promotion may be filled up on the abolition of corresponding supernumerary posts in the higher rank."

5. Subsequently, the Government took u-turn and recalled the G.O. in respect of paragraph No.5[e] of G.O.Ms.No.1252, Home [Pol.VIII] Department, dated 29.10.2004. Accordingly, another G.O.Ms.No.1396, Home [Pol.IA] Department, dated 03.10.2007 was issued deleting paragraph No.5[e] occurring in G.O.Ms.No.1252, Home [Pol.VIII] Department, dated 29.10.2004 and G.O.Ms.No.1346, Home [Pol.VIII] Department, dated 06.12.2004 and the relevant portion is given as under :

"3. ... [i]In the existing para 5[e] of the G.O.Ms.No.1252 Home [Pol.VIII] Department dated 29.10.2004 and G.O.Ms.No.1346 Home [Pol.VIII] Department dated 06.12.2004 be deleted.

[ii]For the para 5[e] occurring in the G.O.Ms.No.1252 Home [Pol.VIII] Department dated 29.10.2004 and G.O.Ms.No.1346 Home [Pol.VIII] Department dated 06.12.2004 the following shall be substituted.

The seniority between the accelerated promotees and the General promotees in the promoted category shall continue to be governed by their panel position i.e. with reference to their inter-se-seniority in the lower grade. At any stage the accelerated promotion will not give the individual accelerated consequential seniority, since the accelerated promotion is only for one stage."

6. Aggrieved by the above said deletion, when several Writ Petitions were filed before this Court in W.P.No.35716 of 2008 etc. batch, the learned Single Judge of this Court, after considering various aspects, dismissed the Writ Petitions on 14.10.2009. A perusal of the detailed order passed by the learned Single Judge shows that the Government was well within its power in deleting paragraph No.5[e] in G.O.Ms.No.1252, Home [Pol.VIII] Department, dated 29.10.2004 and G.O.Ms.No.1346, Home [Pol.VIII] Department, dated 06.12.2004 by substituting G.O.Ms.No.1346, Home [Pol.VIII] Department, dated 06.12.2004 as stated supra. Further, it is held that the seniority of service will be reckoned under Rule 35 of the general rules in the Tamil Nadu State and Subordinate Services Rules. Again being aggrieved by the same, the matter was taken up to Division Bench in W.A.Nos.849 to 854 of 2010.

7. Again, the entire gamut of the issue was taken up and after elaborate discussion made by both sides, the Hon'ble Division Bench confirmed the order passed by the learned Single Judge, making it clear that the accelerated promotion given by issuing a Government Order by the Government is not based on any statutory rule. On this core, it is further held that executive instructions cannot override the statutory rules. If the accelerated promotees are given seniority in the higher cadre, it will affect the promotion of the person senior to the accelerated promotees in the lower cadre and it will lead to the situation of reduction of rank of their seniors in the lower category and the same is contrary to General Rule 35[a] and 35 [aa]. As a result, the natural justice will also affect the morale of the entire police force.

8. The Hon'ble Apex Court in Govind Prasad Vs. R.G.Prasad and Others reported in [1994(1) SCC 437] held that executive order cannot be made operative with retrospective effect. By following the said judgment, the Hon'ble Division Bench of this Court in the above referred cases has confirmed the order passed by the learned Single Judge of this Court by reiterating the same legal position that the executive power of the State cannot be exercised in the field which is already occupied by the laws made by the legislature.

9. In view of the above, G.O.Ms.No.1396, Home (Pol.IA) Department, dated 03.10.2007, was issued deleting paragraph No.5 (e) in G.O.Ms.No.1252, Home Department, dated 29.10.2004, as a result, G.O.Ms.No.1346, Home (Pol.VIII) Department, dated 06.12.2004, has been upheld reiterating the power of the State Government that the Government is well within its power in deleting paragraph No.5(e) in G.O.Ms.No.1252, Home (Pol.VIII) Department, dated 29.10.2004 and this has been clarified in G.O.Ms.No.1396, Home (Pol.IA) Department, dated 03.10.2007.

10. Subsequently, the Government have also come forward with a Notification dated 14.12.2013 by carrying out the amendment to the Special Rules giving retrospective effect from 19.03.1996 in G.O.Ms.No.550, Home (Pol.2) Department, dated 24.07.2013. Aggrieved by the same, other police officers have filed Writ Petition Nos.24461, 26276 and 26365 of 2013, whereby, the learned Single Judge of this Court has granted interim stay of the above referred Notification on 29.08.2013. Thus, the net result is that the order passed by the Hon'ble Division Bench in W.A.Nos.849 to 854 of 2010 has been made absolute now.

11. At this juncture, Mr.Duraisamy, learned Senior counsel for the petitioners submitted that an appeal has been preferred before the Hon'ble Apex Court against the order of the Hon'ble Division Bench. Denying such submission, Mr.K.Venkataramani, learned Additional Advocate General, on instructions, submitted that the State Government have not preferred any appeal. I also find merit on this submission, for, to substantiate that an appeal has been preferred against the order passed by the Hon'ble Division Bench, neither any reference has been made nor any document has been produced by the parties.

12. Thus, in my view, the Police Department cannot suffer endlessly without filling up the promotional post. Therefore, the respondents are directed to proceed ahead to fill up all the vacancies by way of preparing a final seniority list as per the existing Rules, without reference to the accelerated promotion. However, this is subject to the result of the pending writ petitions.

13. In fine, with the above directions, the writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
Government of Tamil Nadu,
Home Department, Secretariat, Chennai-9.

2.The Director General of Police,
Chennai-4.

3.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town, Chennai-3.

4.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai-3.

+1cc to Mr.K.RAMASAMY Advocate, S.R.No. 92231

+1cc to Mr.G.SANKARAN Advocate, S.R.No. 92510

+6cc to Mr.LESI SARAVANAN Advocate,
S.R.No.92575, 91884, 91883

+1cc to Mr.M.SRIVIDHYA Advocate, S.R.No. 92402

+1cc to Mr.E.VIIJAYANAND Advocate, S.R.No. 91749

W.P.Nos.17534, 18725 of 2013,
12168 of 2015, 14206, 14207 of 2016
and 29487 & 32975 of 2017

AD (CO)
TR(08/01/2018)