

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.10.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 11293, 11294, 11295, 11296, 112971 and 11298 of 2013

WP.No.11293/13

1.P.Anthony
2.Natesan
3.P.H.Muthu ...Petitioners

WP.NO.11294/13

1 V.CHENGALVARAYAN
2 K.SUNDARESAN
3 C.SELVADURAI ...Petitioners

WP.NO.11295/13

S.DAKSHINAMOORTHY ...Petitioners

WP.NO.11296/13

1 M.SUBRAMANIAM
2 M.SAVARIMUTHU
3 K.SUBRAMANY
4 R.JANAKIRAMAN ...Petitioners

WP.No.11297/13

1 G.SRINIVASAN
2 SETTU
3 E.K.SHANMUGAM
4 M.MUNIYAPPAN ...Petitioners

WP.No.11298/13

1 V.RAMAKRISHNAN
2 R.NATARAJAN ...Petitioners

Vs

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

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

...R1 & R2 in all WPs.

3.The Superintendent of Police,
Tiruvannamalai.

...3rd Respondent in WP.Nos.11293,
11294, 11296 to 11298/13

4.The Superintendent of Police
Tiruvallur

...3rd Respondent in WP.No.11295/13

PRAYER: These Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd Respondents to fix the seniority and give monetary benefits on the basis of the petitioners representation dated 16.11.2012.

For Petitioner : Mr.N.Jayachander

For All Respondents: Mrs.A.Shrijayanthi
Special Government Pleader
in all Wps

COMMON ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents 2 and 3 to fix the seniority and give monetary benefits on the basis of petitioners' representations, all dated 16.11.2012.

2. The petitioners are the retired Head Constables and they were appointed as Constables - Grade II and thereafter promoted to the post of Constables - Grade I and Head Constable. All the petitioners were retired long back. Their grievances are that the seniority was not properly fixed by the department for the purpose of grant of promotion and therefore, they were unable to get their service benefits on par with their juniors. The affidavit filed in support of the writ petition cites number of juniors, who were promoted to the higher post overlooking the seniority of the writ petitioners.

3. This Court is of an opinion that all such service benefits including fixation of seniority and promotion ought to have been agitated during the period, in which the petitioners were in service. However, now after a lapse of many years, the writ petitioner cannot file a writ petition seeking the benefit of seniority and the monetary benefits. The juniors cited by the writ petitioners were not impleaded as party respondents. The retrospective promotion or fixation of seniority can be done

only if the petitioners establish that they are entitled for the same, on account of lapses on the part of the respondents. Contrarily, the writ petitioners cannot file the writ petitions to dispose of the representations for the purpose of getting the benefits of seniority and monetary benefits. Thus, the writ petition is not only devoid of merits but also liable to be rejected on the ground of laches. Accordingly, these writ petitions stand dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi-2/jas

To

1.The 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,
Tiruvannamalai.

4.The Superintendent of Police,
Tiruvallur.

+1cc to Mr.N.Jayachander, Advocate SR.NO.74160
+1cc to Government Pleader SR.NO.74338

NRI (CO)
sm:22.11.2018

W.P.Nos. 11293, 11294, 11295, 11296,
11297 and 11298 of 2013