

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. Nos.7449 to 7454 of 2018

and

W.M.P.Nos.9272 to 9277 of 2018

W.P. No.7449 2018

S.Murthy

M.Vasantha Kumar

C.Raja

T.Mukesh Kumar

N.Sudalaimani

S.Thamil Selvan

...Petitioner in WP.No.7449/18

...Petitioner in WP.No.7450/18

...Petitioner in WP.No.7451/18

...Petitioner in WP.No.7452/18

...Petitioner in WP.No.7453/18

...Petitioner in WP.No.7454/18

Vs

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

2. Director General of Police,
Chennai 600 004.

... Respondents in all WPs.

PRAYER :

Common Petitions in WP.7449 to 7454 of 2018 filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent herein in his proceedings G.O.Ms.No.305 Home (Pol-3) Department dated 15.04.2009 quash the same and consequently direct the respondents herein to restore the petitioners as Sub-Inspector of Police (Taluk Police) as per his original appointment order dated 20.12.2007, 19.12.2017, 19.12.2017, 27.12.2017, 27.12.2017 and 27.12.2017 respectively together with all service benefits.

For Petitioners : Mr.G.Bala [in all WPs]

For Respondents : Mr.V.Kadhirvelu [in all WPs]
Special Government Pleader

C O M M O N O R D E R

The impugned G.O.Ms.No.305 Home (Pol-3) Department, dated 15.04.2009 is under challenge in these writ petitions. Further, directions are sought for to restore the writ petitioners as Sub-Inspector of Police (Taluk Police) as per their original appointment orders, dated 19.12.2017, 20.12.2017 and 27.12.2017 together with all service benefits.

2.The writ petitioners were initially appointed to the post of Sub-Inspector of Police (Taluk Police), during the year 2007, vide proceedings dated 27.12.2017. The learned counsel appearing on behalf of the writ petitioners states that the impugned G.O.Ms.No.305 Home (Pol-3) Department, dated 15.04.2009 is infringing the right of the writ petitioners to serve as Sub-Inspectors of Police (Taluk Police). Pursuant to the issuance of the impugned G.O.Ms.No.305 Home (Pol-3) Department, dated 15.04.2009, the writ petitioners were not retained as Sub-Inspectors of Police (Taluk Police) and now made to work in Armed Reserve Police. The writ petitioners were allowed to continue in Armed Reserve Police for about 10 years and once again reverted back to their parent wing, namely, Taluk Police. At present, the writ petitioners are working as Sub-Inspectors of Police (Taluk Police).

3.The grievances of the writ petitioners are that after their revision to parent wing as Sub-Inspectors of Police (Taluk Police) their seniorities are fixed in bottom list and their original post of the date of appointment is denied.

4.However, this Court is of an opinion that the writ petitioners have not taken up their cases during the appropriate time, since the Government issued G.O.Ms.No.305 Home (Pol-3) on 15.04.2009. The writ petitioners have served in the Armed Reserve Police for about 10 years. They have not taken any steps to challenge the above said G.O.Ms.No.305 Home (Pol-3) dated 15.04.2009. Contrarily, they have accepted the Government Order and served in the Armed Reserve Police for more than 10 years. Therefore, they cannot now claim the seniority in the Armed Police after their posting in Taluk Police at present. This apart, the present writ petitions are filed after a lapse of about 9 years from the date of issuance of the G.O.Ms.No.305 dated 15.04.2009. Thus, the claim of the writ petitioners are highly belated. This apart, the Government employees, who slept over their right for more than 10 years, now cannot wake up for knocking the doors of the court for redressal of their claims under Article 226 of the constitution of India.

5.In this view of the matter, these writ petitions are rejected on the ground of laches and accordingly stand dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

may

To

1. The Principal, Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009 and another.

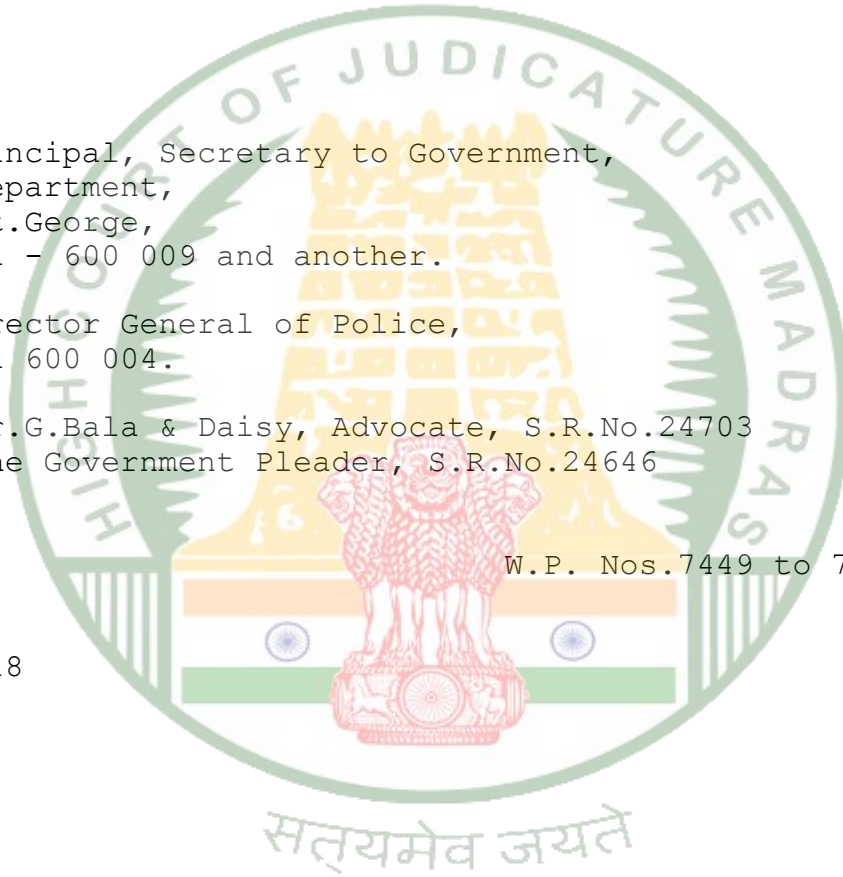
2. The Director General of Police,
Chennai 600 004.

+1cc to Mr.G.Bala & Daisy, Advocate, S.R.No.24703

+1cc to the Government Pleader, S.R.No.24646

W.P. Nos.7449 to 7454 of 2018

SSV(CO)
CS/25/04/18



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