

IN THE HIGH COURT OF JUDICATURE AT MADRAS

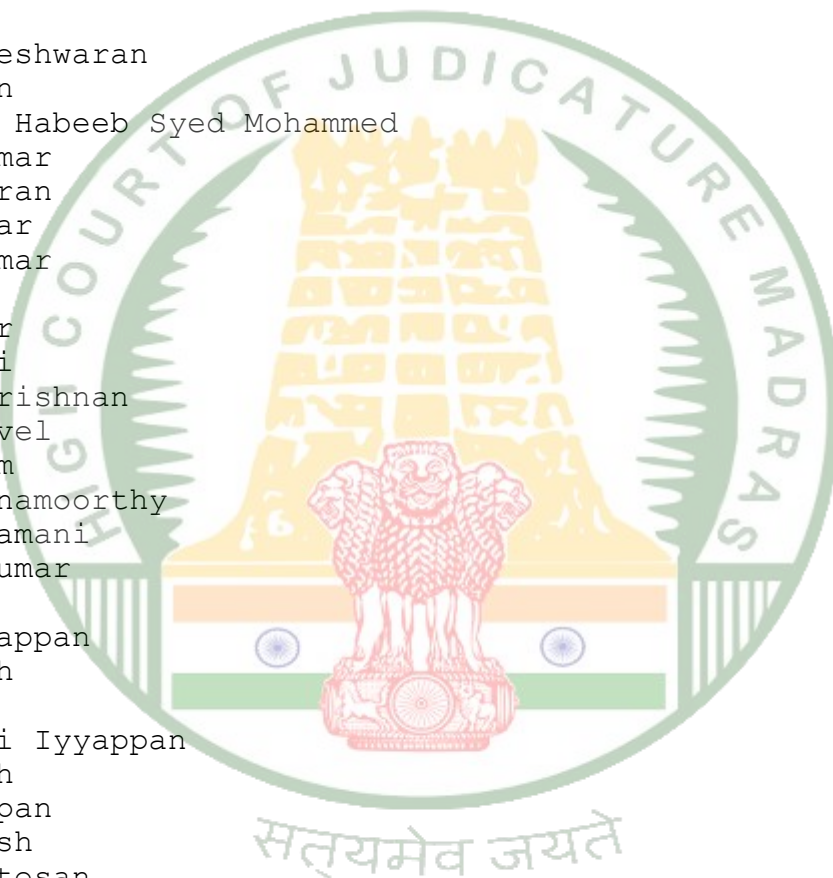
DATED : 11.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

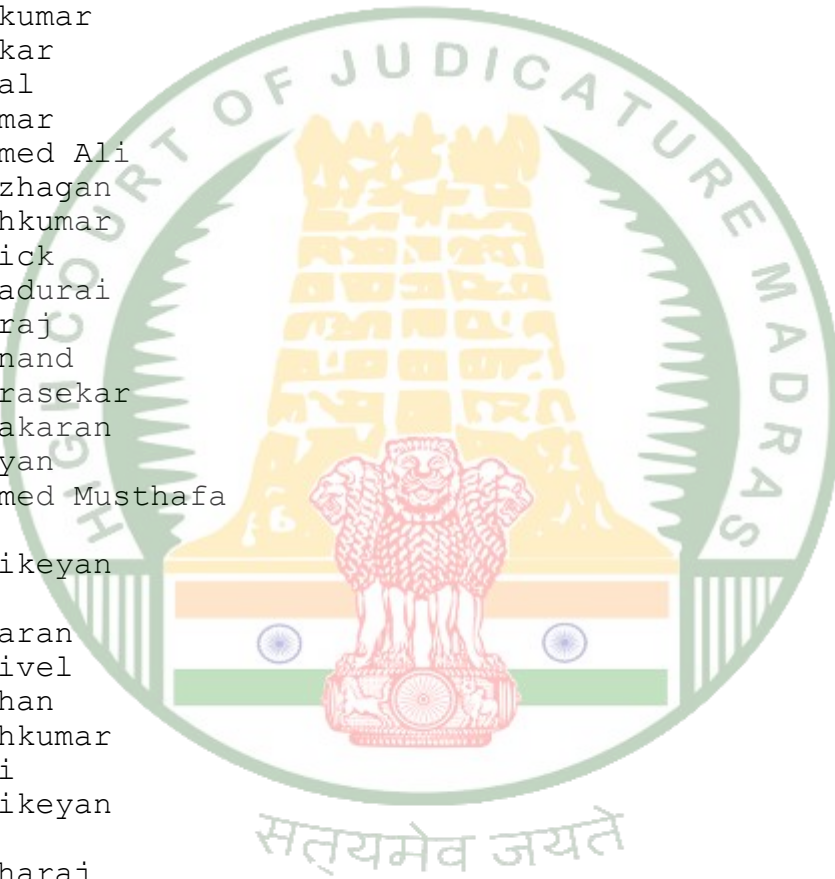
W.A.No.623 of 2018 and
C.M.P.No.6063 of 2018

- 1.A.R.Vigneshwaran
- 2.P.Murugan
- 3.S.Kadhar Habeeb Syed Mohammed
- 4.G.Jayakumar
- 5.R.Manimaran
- 6.P.Sudhagar
- 7.S.Udhykumar
- 8.K.Ashok
- 9.Jayakumar
- 10.D.Balaji
- 11.T.Balakrishnan
- 12.C.Jothivel
- 13.R.Selvam
- 14.S.Krishnamoorthy
- 15.K.Masilamani
- 16.J.Pounkumar
- 17.Raja
- 18.M.Vediyappan
- 19.K.Dinesh
- 20.P.Raja
- 21.S.Sabari Iyyappan
- 22.K.Suresh
- 23.G.Iyyappan
- 24.S.Sathish
- 25.V.Venkatesan
- 26.A.Ranjith
- 27.T.Dhanasekar
- 28.G.Udhayakumar
- 29.P.Kulasekaran
- 30.K.Kesavan
- 31.A.S.Raja
- 32.K.P.Bharathiraja
- 33.M.Lakshmanakumar
- 34.A.Raji
- 35.G.Karthik
- 36.G.Anandbabu
- 37.S.Sarathkumar



WEB COPY

38.D.Raja
39.D.Rajasekar
40.R.Mohammed Ismail
41.S.Selvaraj
42.G.Sakthimani
43.V.Haribabu
44.S.Arnold
45.P.Saravanan
46.M.Muthukumar
47.D.Arunsingh
48.D.Dharmaraj
49.M.K.Balamurugan
50.R.Ashokkumar
51.T.Dhinakar
52.P.Perumal
53.M.Ramkumar
54.A.Mohammed Ali
55.J.Anbzhagan
56.M.Vinothkumar
57.R.Karthick
58.E.Chinnadurai
59.S.Saranraj
60.K.Premanand
61.J.Chandrasekar
62.B.Kirubakaran
63.E.Sooriyan
64.S.Mohammed Musthafa
65.D.Deva
66.M.Karthikeyan
67.R.Jagan
68.R.Hariharan
69.K.Sakthivel
70.S.Vinothan
71.S.Vinothkumar
72.R.Murali
73.V.Karthikeyan
74.M.Raju
75.E.Varatharaj
76.M.Panchatcharam
77.B.Valarmanikandan
78.K.Mahendran
79.R.Viswanathan
80.G.Loganathan
81.K.Anishkumar
82.R.Ganesan
83.S.Santhosh
84.R.Yuvaraj
85.N.Sathishkumar
86.V.Gopi
87.A.Karthik



WEB COPY

88.A.Thiyagarajan
89.S.Madhankumar
90.L.Rajendran
91.M.A.Venkatesan
92.A.Vignesh
93.M.Esakkimuthu
94.S.Sathish
95.P.Dhayalakrishnan
96.P.Ranjith
97.J.Sarathkumar
98.T.Dhayanithi
99.D.Premkumar
100.E.Giridharan

... Appellants

-vs-

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Home Department (Police),
Fort St.George, Chennai-600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.

3.The Chair Person,
Tamil Nadu Uniformed Services
Recruitment Board,
P.T.Chengalvarayan Maligai,
Anna Salai- Chennai-2.

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.1298 of 2018 dated 23.01.2018.

Writ Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to calling for the entire records relating to the impugned G.O. passed by the 1st respondent in G.O.Ms. No.820 Home (Police IX) Department dated 23.09.2009 and quash the same and consequently direct the respondents to follow the single system recruitment by implementing G.O.Ms. No.938- Home (Service-G) Department Dated 03.05.1990 passed by the 1st respondent in so far relates to the petitioners are concerned.

For Appellants :: Mr.C.Prakasam
For Respondents:: Ms.Narmadha Sampath,
Addl.Advocate General
assisted by
Mr.P.S.Sivashanmugasundaram,
Spl.GP

JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

The appellants herein have filed W.P.No.1298 of 2018 questioning the validity of G.O.Ms.No.820 Home (Police IX) Department dated 23.09.2009, praying to quash the same and for a consequential direction to the respondents to follow the single system recruitment by implementing G.O.Ms.No.938 Home (Service-G) Department dated 03.05.1990.

2.As per G.O.Ms.No.938 dated 03.05.1990, after training, the Police Constable will have to serve in the battalion for the first three years and thereafter they will be shifted to the District Armed Reserve where they will serve for one year and in the fifth year, the police constable will get shifted to Taluk Police and this will be the regular career plan for a police constable in future. As per G.O.Ms.No.820 dated 23.09.2009, the said period has been enhanced from five years to ten years. After hearing the parties, the said writ petition was dismissed holding that only if any constable recruited requires transfer or conversion to the Armed Reserve Police, the said condition of ten years stay in the Special Police Battalion has been imposed and it is not correct on the part of the appellants herein to say that they are aggrieved for the reason that they were recruited in the year 2016.

3.Challenging the order passed in the writ petition, the present appeal has been filed.

4.The learned counsel for the appellants has submitted that in the year 2017, the Government has recruited 15,664 Police Constables Grade-II for the post of Armed Reserve Police as directed recruitment, without considering the request of the appellants for placing them as Armed Reserve Police. He also submitted that in this connection, the appellants have made a representation dated 08.01.2018 to the authorities and the same has not been considered till now.

5.We have heard the learned counsel for the appellants and the learned Addl.Advocate General appearing for the respondents and perused the materials available on record.

6.First of all, this Court is of the firm opinion that filing of this writ appeal is premature. It appears that the representation submitted by the appellants before the authorities, is pending consideration. Without there being any order passed in the said representation, the appellants cannot pray for quashing the order passed by the learned single Judge. Hence, till any order is passed in the representation in accordance with law and any decision is taken in the matter, the appellants cannot challenge the order passed by the learned single Judge at this juncture, as it is a premature one. If any order is passed on the representation and the same is found to be contrary to the settled principles, viz.principles of equity,

the appellants are at liberty to approach this Court.

7.The learned Addl.Advocate General has submitted that the appellants may be directed to file a fresh representation and if such representation is filed, the same will be considered by the respondents in accordance with law.

8.Recording the above submission made by the learned Addl.Advocate General, the appellants herein are directed to file a fresh representation expressing their grievances, to the respondents, within a period of two weeks from the date of receipt of a copy of this judgment. If any such representation is filed, the same shall be considered and appropriate orders be passed in accordance with law, within a period of two months from the date of its receipt.

9.The writ appeal is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True copy//

Sub Assistant Registrar

KM

To

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

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.

3.The Chair Person,
Tamil Nadu Uniformed Services
Recruitment Board,
P.T.Chengalvarayan Maligai,
Anna Salai- Chennai-2.

+1cc to Mr.C.Prakasam, Advocate SR.No.26756

W.A.No.623 of 2018 and
C.M.P.No.6063 of 2018

SS (CO)
GN (07/05/2018)