

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1298 of 2018

and

W.M.P.Nos.1627 to 1629 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

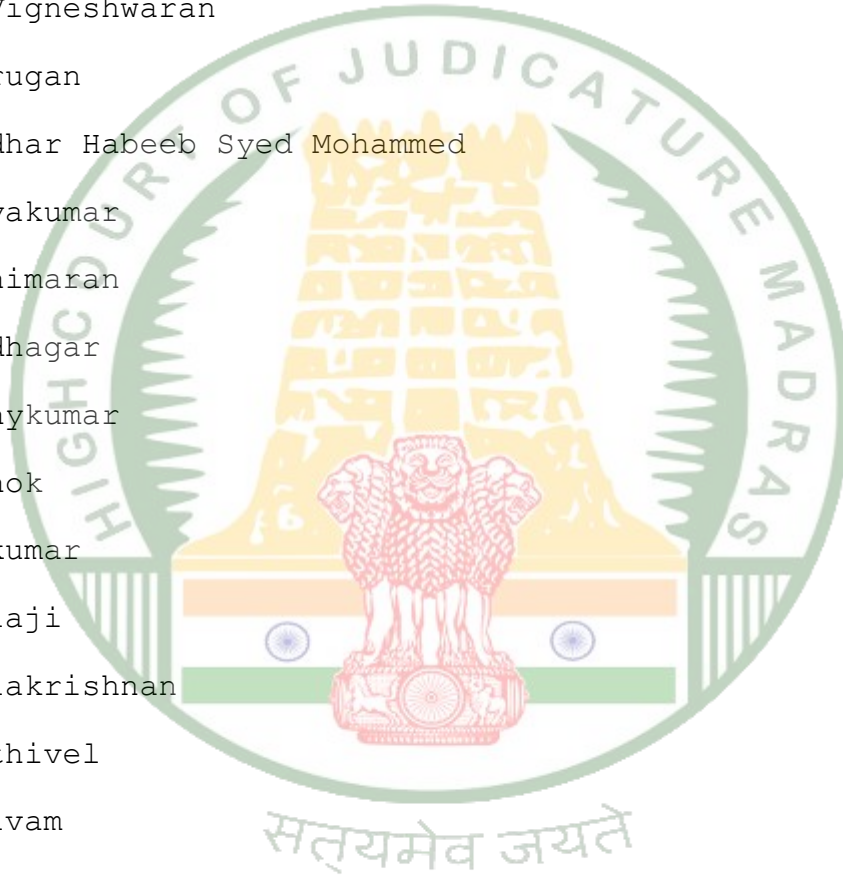
16 J.Poukumar

17 Raja

18 M.Vediyappan

19 K.Dinesh

20 P.Raja



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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

38 D.Raja

39 D.Rajasekar

40 R.Mohammed Ismail

41 S.Selvaraj

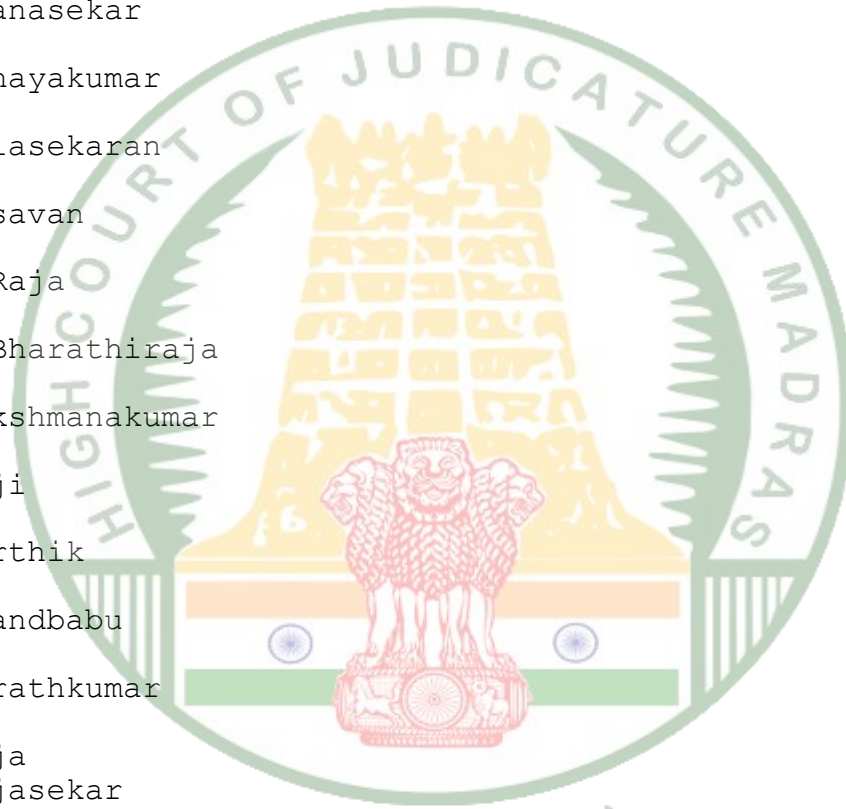
42 G.Sakthimani

43 V.Haribabu

44 S.Arnold

45 P.Saravanan

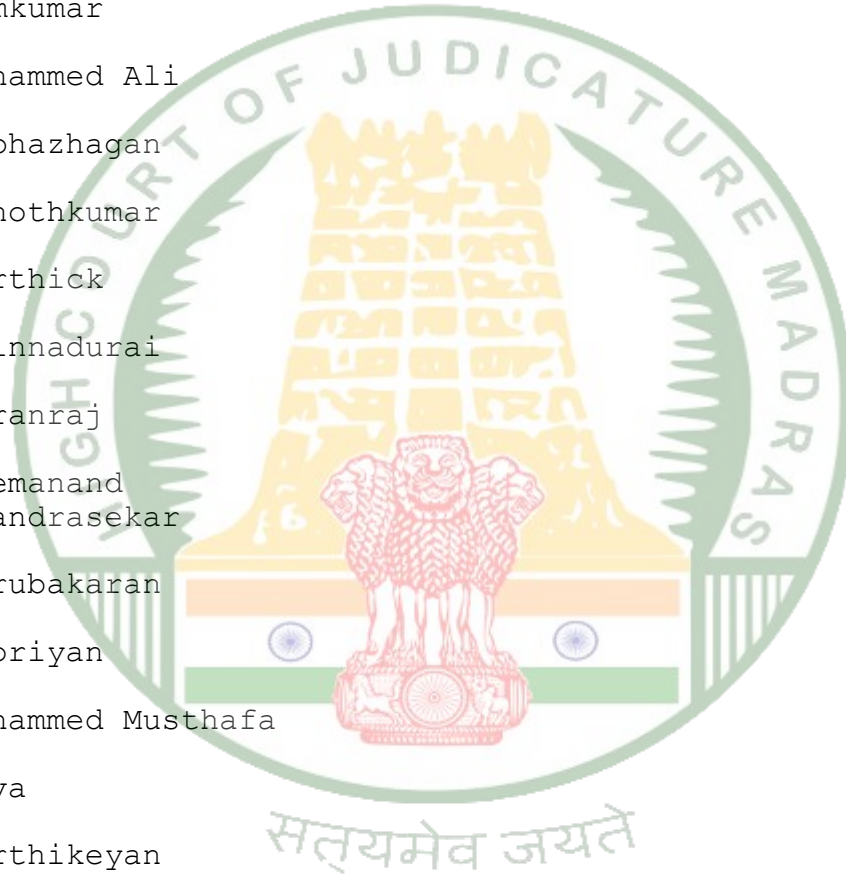
46 M.Muthukumar



सत्यमेव जयते

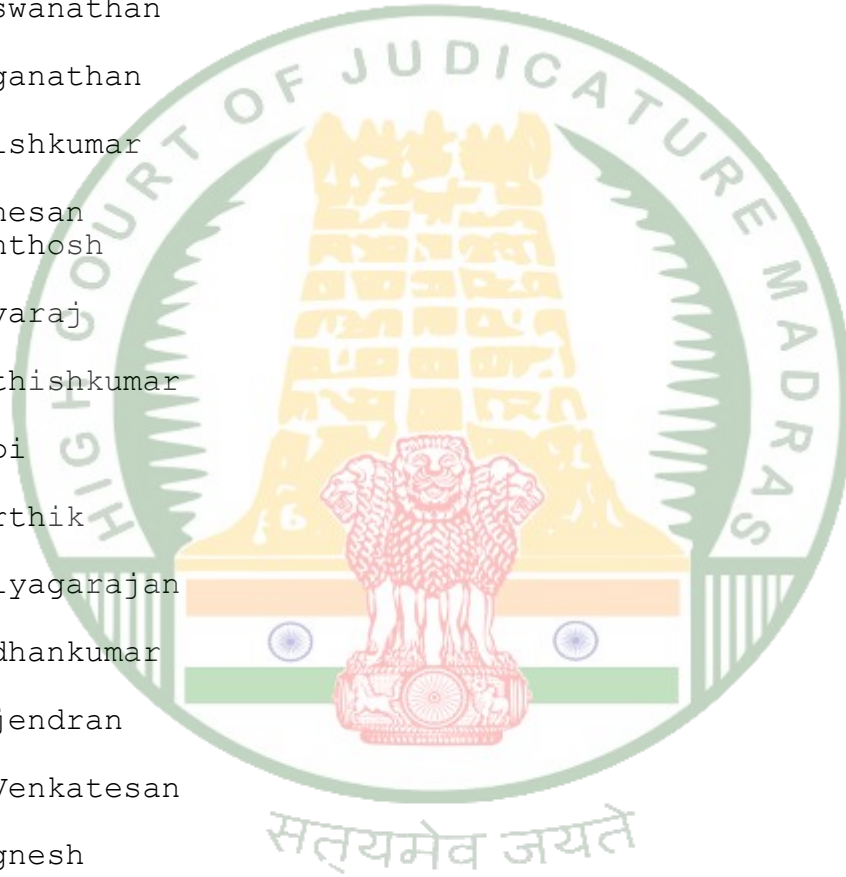
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47 D.Arunsingh
48 D.Dharmaraj
49 M.K.Balamurugan
50 R.Ashokkumar
51 T.Dhinakar
52 P.Perumal
53 M.Ramkumar
54 A.Mohammed Ali
55 J.Anbhazhagan
56 M.Vinothkumar
57 R.Karthick
58 E.Chinnadurai
59 S.Saranraj
60 K.Premanand
61 J.Chandrasekar
62 B.Kirubakaran
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



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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
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



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99 D.Premkumar

100 E.Giridharan

... Petitioners

Vs

1 The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department (Police),
Fort St. George, Chennai-9.

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

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Certiorarified Mandamus to call 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 Petitioners : Mr.C.Prakasam

For Respondents: Ms.Narmadha Sampath
Additional Advocate General VIII
Assisted by
Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

This Writ Petition has been filed questioning the validity of G.O.Ms. No.820 Home (Police IX) Department dated 23.09.2009, 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. Learned counsel appearing for the petitioner submitted that when the Government took a policy decision in G.O.Ms. No.938 - Home (Service-G) Department, Dated 03.05.1990, stating that while two level pattern of recruitment is being followed in

respect of Police Constables viz., Armed Police Battalions and Taluk Police (By enlisting Police Constables first in Armed Reserve and then transferring them to Taluk Police), it was specifically mentioned in G.O.Ms. No.938 - Home (Service-G) Department, Dated 03.05.1990 that after training, the Police Constable will serve in the battalion for the first three years. Thereafter, they will be shifted to District Armed Reserve where they will serve for one year. 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.

3. Adding further, learned counsel for the petitioner averred that when the said G.O. has been followed since 03.05.1990, all of a sudden, the impugned G.O.Ms. No.820 Home (Pol.IX) Department dated 23.09.2009 has been issued enhancing the five years period to ten years while recruiting Tamilnadu Special Police [Constable] and with a minimum period of ten years, if they are willing to go to Armed Reserve of Districts / Cities, then, they will be placed at the bottom of the list in Armed Reserve of Districts / Cities, where they will remain for a minimum period of one year and then they will be transferred to Taluk Police depending upon vacancies. In view of the enhancement of ten years, all the Police Constables, who are recruited in the Tamil Nadu Police Battalion are not even able to serve any time and even during Sunday also they are not able to visit their relatives, who are in native. Moreover, they have no time to find a suitable match, as it is rigorously affecting their personal life, a direction be issued to the respondents to follow the previous G.O.Ms. No.938 - Home (Service-G) Department, Dated 03.05.1990, fixing five years in service for the purpose of taking conversion or shifting from Police battalion to Armed Reserve, as the petitioners were recruited in the year 2016.

4. That apart, learned counsel for the petitioners contended that the petitioners having come to know that they have to serve for ten long years in the Special Police Battalion, after training, they have given a representation to slice down the period of their stay in Tamil Nadu Special Police Battalion from ten years to five years. The said representation also, has not been, till date taken up for consideration. Hence, if this Court is not inclined to accept the prayer, a direction may be issued to consider the pending representation, he pleaded.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. This Court is not inclined to accept either of the prayer, the reason is, after issuance of the first G.O.Ms. No.938 - Home (Service-G) Department, Dated 03.05.1990, the Government, after taking into account the various aspects have thought fit to impose a condition of ten years stay in the

Special Police Battalion, if any constable recruited requires transfer or conversion to the Armed Reserve Police. Therefore, the petitioners, who sought conversion to go to local police have to comply the condition mentioned in the G.O.Ms. No.820 Home (Police IX) Department dated 23.09.2009, as it has been followed from 23.09.2009. The petitioners for the reason that they were recruited in the year 2016, cannot say that they are aggrieved by the said G.O., and the same cannot be accepted. Therefore, this Court is not able to find any merit to entertain this Writ petition and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sai / ssd

To

- 1 The Secretary to Government,
The State of Tamil Nadu,
Home Department (Police),
Fort St. George, Chennai-9.
- 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.

+lcc to Mr.C.Prakasam, Advocate sr.no.4921

W.P.No.1298 of 2018
and
W.M.P.Nos.1627 to 1629 of 2018

nr 27/02/2018