

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 20.12.2018
CORAM
THE HONOURABLE DR. JUSTICE S.VIMALA
W.P. NO. 23473 OF 2018

K.Sathyannarayana

.. Petitioner

- Vs -

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

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

.. Respondents

Writ Petition filed under Article 226 of the constitution of India praying this Court to issue a writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner dated 06.12.2017 for revision of seniority from the date of his initial appointment.

For Petitioner : Mr. R.Dhineshkumar

For Respondent : Mr. A.N.Thambidurai, AGP

ORDER

The present petition has been filed by the petitioner for a direction to the 2nd respondent to consider the petitioner's representation for revision of seniority from the date of his initial appointment.

2. It is the case of the petitioner that though he cleared the process of selection for appointment as Grade-II Police Constable, however, the 2nd respondent issued an order of rejection on the ground that criminal case against the petitioner in Crime No.1256/05 was registered u/s 341 and 323 IPC. It is the submission of the petitioner that the said criminal case was closed as "Mistake of Fact" on 7.11.05 and that no criminal case is pending against the petitioner. Therefore, challenging the said rejection order, the petitioner filed writ petition, which was dismissed and on appeal by the petitioner in W.A. No.1231/09, the Division Bench set aside the order and directed to issue appointment order, appointing the petitioner in any one of the existing vacancies, by order dated 17.9.09. Subsequent to the said order, the petitioner was appointed as Grade-II Police Constable in the year 2010, but with a delay of four years and no proper seniority was fixed from the date when he had actually cleared the process of

selection. Therefore, the petitioner made a representation, dated 6.12.2017 to the 2nd respondent for revision of seniority from the date of his initial appointment, as persons, who joined duty after the petitioner have been given promotion. Expressing the above grievance the representation filed by the petitioner evoked no response and, therefore, the present petition has been filed.

4. Mr. A.N.Thambidurai, learned Addl. Government Pleader takes notice for the respondents and submits that the representation submitted by the petitioner would be considered within the time frame as fixed by this Court.

5. In view of the limited relief sought for, it would suffice to direct the 2nd respondent to consider the petitioner's representation, dated 6.12.17, in the light of the judgment of the trial court dated 29.3.06 and the order passed by the Division Bench in W.A. No.1231/09 dated 17.9.09, for revision of seniority, within a specified time frame.

6. Accordingly, this writ petition stands disposed of with a direction to the 2nd respondent to consider the petitioner's representation, dated 6.12.17, in the light of the judgment of the trial court dated 29.3.06 and the order passed by the Division Bench in W.A. No.1231/09 dated 17.9.09, for revision of seniority, and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
Home (Police-II) Dept.
Government of Tamil Nadu
Fort St. George, Chennai - 9.
2. The Director General of Police
Mylapore, Chennai - 4.

+1cc to Mr.R.Dhinesh Kumar, Advocate, S.R.No.89218

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SSI (CO)
rrs 24/01/2019