

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Eighth day of August Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP No.25742 of 2018

IN WP.21810/2018

1 S.S.MANI, [PETITIONERS]
S/O.S.S.VASAN, INSPECTOR OF POLICE,
INTELLIGENCE SECTION, CHENNAI CITY POLICE,
CHENNAI.

2 J.ARUL MOZHI ARASU,
S/O.JAGANNATHAN, INSPECTOR OF POLICE,
SPECIAL BRANCH, KARUR DISTRICT.

3 P.LAKSHMIKANTHAN,
S/O.PETHAIAH, INSPECTOR OF POLICE, SBCID,
HEAD QUARTERS, CHENNAI.

4 N.ELANGOVAN,
V.NARAYANASAMY, INSPECTOR OF POLICE, LAW AND
ORDER, S-3, MEENAMBAKKAM POLICE STATION,
CHENNAI.

5 WELCOME RAJASEELAN.A,
S/O.AZARIAH, INSPECTOR OF POLICE, SBCID,
HEAD QUARTERS, CHENNAI-28.

6 S.SWAMINATHAN,
S/O.S.SANKARAMOORTHY, INSPECTOR OF POLICE,
SBCID, TIRUNELVELI DISTRICT.

7 GANESH DAS,
S/O.P.SUNDARARAJAN, INSPECTOR OF POLICE,
CCIW-CID, VIRUDHUNAGAR DISTRICT.

Vs

1 GOVERNMENT OF TAMIL NADU, [RESPONDENTS]
REP. BY ADDITIONAL CHIEF SECRETARY TO GOVT.,
HOME DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600 009.

2 THE DIRECTOR GENERAL OF POLICIE
TAMIL NADU, CHENNAI-600 004.

3 MR.K.RAMESH,
INSPECTOR OF POLICE, CHITTALAPAKKAM POLICE
STATION, CHITTALAPAKKAM,

4 P.PALANI, INSPECTOR OF POLICE,
C/O.THE DIRECTOR GENERAL OF POLICE, CHENNAI-4.

5 C.JAYARAJ,
INSPECTOR OF POLICE, C/O.THE DIRECTOR
GENERAL OF POLICE, CHENNAI-4.

6 MR.P.GUNASEKARAN,
INSPECTOR OF POLICE, INTELLIGENT SECTION/
CONTROL ROOM, CHENNAI.

7 R.CHITRAVELU,
INSPECTOR OF POLICE, C/O.DIRECTOR GENERAL OF
POLICE, CHENNAI-4.

8 R.SAKTHIVEL,
INSPECTOR OF POLICE, C/O.DIRECTOR GENERAL OF
POLICE, CHENNAI-4.

9 MR.V.ALEXANDER,
INSPECTOR OF POLICE, THIRUVERKADU.

10 MR.N.JEEVANANTHAM,
INSPECTOR OF POLICE, C/O.DIRECTOR GENERAL OF
POLICE, CHENNAI-4.

11 MR.R.RAVICHANDRAN,
INSPECTOR OF POLICE, C/O.DIRECTOR GENERAL OF
POLICE, CHENNAI-4.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

To grant an interim stay of the operation of all proceedings pursuant to G.O.Ms. No.1006 Home (Police-VI) Department dated 16.8.2018 as communicated vide the proceedings of Endorsement of the second respondent issued in R.C.No.155666/ GB 2(1)/2017 dated 18.08.2018 to the limited extent of the placement of respondents No.3 to 11 therein, (IN WMP No.25742 of 2018) pending disposal of this writ petition WP.21810/2018

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR. M.RAVI, ADVOCATE FOR M/S.P.N.SWAMINATHAN, Advocate for the petitioner and of MRS.NARMADHA SAMPATH, Additional Advocate General Assist by MR.JANAKI, additional GOVERNMENT PLEADER on behalf of the 1 & 2 respondent the court made the following order:-

The grievance of the petitioners in this case is that though the Government come out with an advertisement for recruitment of 500 posts of Sub-Inspector of Police by direct recruitment, later the same was enhanced to 1100 posts for year 1994. After such advertisement for recruitment having come into existence, some of the departmental candidates, challenged such recruitment before the Tamilnadu Administrative Tribunal in O.A.No.1368 of 1994. The Tamilnadu Administrative Tribunal, suggested for providing certain quota to such graduates working in the Department, who have completed 5 years of service, out of the direct recruitment quota. Pursuant to the same, the Government after examining the feasibility gave 20% quota out of the post required to be filled up by direct recruitment candidates and with the stipulation of filling up the same through competitive examinations from among eligible departmental candidates. However, the Government, having already advertised 1100 posts of Sub-Inspector of Police through direct recruitment from open market held the same to be 80% of the direct recruitment quota and came out with another 20% vacancy i.e., 267 posts to be filled up through the competitive examination from among the departmental candidates. Their such recruitment admittedly, was drawn in a separate batch and they were appointed. However, out of 1100 candidates, 500 candidates were sent for training giving appointment and they completed their training and the remaining 600 candidates were appointed and sent for training along with 267 departmental candidates. The Government treating 600 candidates to be separate batch, did not take into consideration the Training School marks of them with that of 500 candidates came in the same recruitment process for fixation of seniority as contemplated in Rule 25. The Government came out with an executive instruction, with regard to fixation of inter se seniority among direct recruits from the open market as well as from the departments. The persons, who came from the department against 20% quota in such recruitment were ranked senior to the direct recruit from the open market, who came to be appointed in the same recruitment with the departmental candidates but the inter se seniority among the candidates recruited from the same source shall be guided by Rule 25 i.e., Training school Marks which they have obtained. This being the position, it appears in this case that the Government treated 500 persons, who are recruited alongwith 600 persons in the same recruitment, as a different and distinct batch. Hence, the marks obtained by the direct recruit recruited from the open market sent for training earlier were not clubbed with the marks obtained by the candidates recruited simultaneously with them but sent to training later in fixation of their seniority. Then treating the departmental candidates, who were appointed alongwith the 600 candidates, recruited earlier from the open market, to have been recruited in the same year against their 20% quota, have been shown senior to the 600 posts of Sub-Inspector of Police recruited from open market earlier to them. The petitioners now come forward to challenge, keeping those 20% of the departmental candidates above them on the ground that as according to the rule only when a departmental candidates and open market candidates against their respective quota, are recruited in the same recruitment, then can

only rank senior to the direct recruitee from open market, and in this case, their recruitment with the departmental candidates being not in the same process of recruitment, the aforesaid rule cannot apply for the departmental candidates, who have been ranked senior to the present petitioners inasmuch as admittedly, they (writ petitioners) were recruited earlier to them. Therefore, the petitioners came to challenge their promotion to the Inspector of Police to be illegal and arbitrary and also subsequent from Inspector to Deputy Sub Inspector of Police vide the panel drawn on 16.08.2018 to be illegal, hence made an interim prayer to stay the operation of such panel.

2. Mrs.Narmadha Sampath, the learned Additional Advocate General appearing for the respondents, however would submit that the petitioners' case has been settled by the earlier decision of this Court inasmuch as the petitioners cannot be said to have been recruited along with 500 candidates. That being so when they were appointed in the same year alongwith departmental candidates and taking note of the rule position, the departmental candidates as such were ranked senior and accorded promotion to Inspector, the petitioners have not challenged their seniority to be fixed along with their batch-mates, who were appointed earlier taking into consideration their training marks under Rule 25 and now thereafter, their claim of seniority on the aforesaid ground stealing a march over the departmental candidates is without any substance.

3. After hearing the learned counsel for the parties and going through the materials on record, it is seen that admittedly the petitioners have not come to this Court challenging their seniority, with their batch-mates, who were recruited simultaneously, while they were accorded promotion, to determine their seniority clubbing their training school marks alongwith their batch-mates recruited in the same recruitment though appointed earlier and sent to training. Unless it is held that the petitioners are the direct recruitees earlier to the departmental candidates, the petitioners' claim for seniority over the departmentally recruited candidates, the petitioners cannot succeed in the main writ petition. Taking into consideration such seniority list in existence in the rank of S.I., promotion to the rank of Inspector of Police have been given. Therefrom some persons now for promotion to the post of Deputy Superintendent of Police temporarily. The same is subject to the out come of the writ petitions in W.P.Nos.1584 &1404 of 2018, as seen from the order. The claim of the petitioners is yet to be adjudicated. The panel for promotion appears to be subject to the out come of dispute. Therefore the prayer made to stay of consequential action pursuant to such order dated 16.08.2018, with regard to the promotion is without any substance. The same is more so as granting such stay at this stage shall be prejudicial to the interest of administration. However, such panel list shall be subject to the out come of the orders in the pending dispute.

4. With the aforesaid order, this writ miscellaneous petition stands disposed of. Registry is directed to post the main writ petition on 03.10.2018.

-sd/-
28/08/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 GOVERNMENT OF TAMIL NADU,
REP. BY ADDITIONAL CHIEF SECRETARY TO GOVT.,
HOME DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600 009.

2 THE DIRECTOR GENERAL OF POLICE
TAMIL NADU, CHENNAI-600 004.

3 THE SECTION OFFICER
WRIT SECTION HIGH COURT MADRAS.

C.C. to M/S.P.N.SWAMINATHAN Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.25742/2018

in
WP.21810/2018

Date :28/08/2018

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