

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.32181 of 2018

S.Selvanayagam

... Petitioner

...vs...

- 1 The Govt of Tamil Nadu
Rep. by the Secretary to Government
Home Department, Fort St.George, Chennai 600 009.
 - 2 The Director General of police
TamilNadu chennai 600 004
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to fix the seniority of the petitioner in the appropriate place as Sub Inspector of police for year 1997-1998 with all consequential service and monetary benefits in the light G.O.Ms.No.534 Home (Police III) Department dated 6.7.2009 based on his representation dated 14.5.2018 within a time frame as deem fit and proper by this court.

For Petitioner : Mr. Singaravelan,
Sr. Counsel, for,
M/s. G.Bala and Daisy
For Respondents : Mr. A.N.Thambidurai, Spl.G.P.,

O R D E R

This writ petition has been filed by the petitioner seeking directions to the respondents herein to fix the seniority of the petitioner in the appropriate place as Sub Inspector of Police for year 1997-1998 with all consequential service and monetary benefits, in the light G.O.Ms.No.534 Home (Police III) Department dated 06.07.2009 and based on his representation dated 14.5.2018 within a limited time frame.

2. The petitioner was selected for appointment as Sub-Inspector of Police, in the year 1997-1998, but due to zone wise selection, he was not appointed. Thereafter, he was selected and appointed as Police Constable in the year 1999 and had also got promoted as Sub-Inspector of Police in the year 2010.

2.1. Subsequently, the Government had passed G.O.Ms.No.534, Home (Police III) Department, dated 06.07.2009, wherein similarly situated persons like that of the petitioner had been granted seniority from 1997-98. Basing reliance on the said Government Order, the petitioner had submitted a representation on 14.05.2018. Though more than five months has lapsed, no orders have been passed till date. Hence, the petitioner has approached this Court.

3. A perusal of the materials available on record would go to show that earlier the petitioner, along with others, had filed a writ petition No.16668 of 2014 before this Court with a prayer for appointment to the post of Sub-Inspector of Police for the year 1997-98. On 27.01.2016, this Court partly allowed the said writ petition by directing the respondents therein to appoint the petitioners therein, as Sub-Inspector of Police, but restricted their seniority from the year 2015.

3.1. The grievance of the petitioner is that, only in so far as the petitioner is concerned, the above order has not been implemented as he was already functioning as Sub-Inspector of Police, but the seniority position of the petitioner who had been already appointed as Sub-Inspector of Police prior to 2015, but has succeeded in the writ petition has not been considered.

4. The learned senior counsel appearing for the petitioner submitted that the Doctrine of legitimate expectation as held in the case of National Buildings Construction Corpn. v. S. Raghunathan, (SCC p.75, para 18) would be applicable to the case of the petitioner also. In the said decision, it has been held as follows:-

"The doctrine of legitimate expectation has its genesis in the field of administrative law. The Government and its departments, in administering the affairs of the country, are expected to honour their statements of policy or intention and treat the citizens with full personal consideration without any iota of abuse of discretion. The policy statements cannot be disregarded unfairly or applied selectively. Unfairness in the form of unreasonableness is akin to violation of natural justice."

5. The learned senior counsel appearing for the petitioner submitted that the representation of the petitioner has to be considered in the light of the Doctrine of legitimate expectation.

6. Having regard to the submissions made and considering the facts and circumstances of the case, this Court directs the respondents to consider the representation dated 14.05.2018, submitted by the petitioner, (in terms of the

G.O.Ms.No.534, dated 06.07.2009 and in terms of the Doctrine of Legitimate expectation), within a period of four weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

Srk

Sd/-

Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

To

1 The Secretary to Government , Govt of Tamil Nadu
Home Department, Fort St.George, Chennai 600 009.

2 The Director General of police
TamilNadu chennai 600 004.

+1cc to Mr.G.Bala & Daisy, Advocate SR.No.83426

+1cc to Government Pleader SR.No.84448

KR(18/01/2019)

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