



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.09.2018
CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
and
THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.A.(MD) No.172 of 2018

and

C.M.P. (MD) Nos. 968 and 969 of 2018

W.A. (MD) No.127 of 2017

and C.M.P. (MD) No.1260 of 2017

and W.A. (MD) No.650 of 2015

In W.A. (MD) No.172 of 2018:

Yasothai

...Petitioner/4th Respondent

Vs.

1.G.Bharathamatha
2.V.Nagarathinam
3.R.Vasantharani
4.S.Ganasoundari

..Respondents 1 to 4/Petitioners

5.The Inspector General of Police,
South Zone, Madurai.

6.The Deputy Inspector General of Police,
Madurai Range, Madurai.

7.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.

8.Saratha
9.Vijaya
10.Kamalavathy
11.Maria Glory
12.Theivanai
13.Jeyalakshmi
14.Devika
15.D.M.Malar
16.R.Shanthi

... Respondents 5 to 16/Respondents 1 to 3 & 5 to 13

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 25.02.2014 made in W.P. (MD) No.1542 of 2010.

Prayer in WP (MD). 1542/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI/ MANDAMUS calling for the records relating to the revision of seniority passed by the 3rd respondent in his

proceedings C.No. A2/11308/2008/R.O.No. 139/2009 dated 12.06.2009 in so far as respondent Nos. 4 to 13 are concerned and the consequential memorandum passed by the 1st respondent in his proceedings No. 4757/A1/09 dated 29.10.2009 and communicated by the 2nd respondent in his proceedings C.No. A1/7727/1237/09 dated 27.11.2009 and quash the same as illegal and consequently to direct the respondents 1 to 3 to promote the petitioners as inspectors of police w.e.f. the date on which their juniors were promoted.

For Appellant :Mr.M.Subash Babu
Mr.A.K.Baskara Pandian
Special Government Pleader

For R1 to R4 :Mr.H.Md.Imran
for M/s.Ajmal Associates

For R9, 10, 12,
R13 to R16 :Mr.R.Rajesh

For R5 to R7 :Mr.AK.Baskarapandian

For R8, R11 : NA

In W.A. (MD) No.127 of 2017:

1.The Inspector General of Police,
South Zone, Madurai.

2.The Deputy Inspector General of Police,
Madurai Range, Madurai.

3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.

.. Appellants/Respondents 1 to 3

Vs.

1.A.Muniyammal
Sub-Inspector of Police,
All Women Police Station,Thirumangalam,
Madurai District.

2.B.Jenova

3.Jasmine Vasantharani

4.M.Dhanapandi

5.G.Amirtham

6.R.Lakshmi

7.Pandiyammal

<https://hcservices.ecourts.gov.in/hcservices/>

8.V.Rajakumari



9.Panchavarman

10.D.Amutha

11.Vijayalakshmi

12.C.Prasanna Gnanasoundari

13.Geetharamani

14.V.Vijayal

15.Padmavathi

16.C.Saratha

17.G.Rajeshwari

18.L.Sagayarani

19.M.Velammal

20.P.Maragatham

21.Mumtaj Nizar ..Respondents 1 to 21/Petitioners 1 to 21

22.Yasothai

23.Saratha

24.Vijaya

25.Kamalavathy

26.Maria Glory

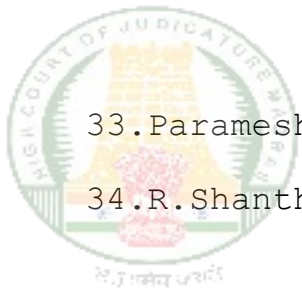
27.Theivannai

28.Jeyalakshmi

29.Devika Jeyalakshmi
Sub-Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

30.D.M.Malar

31.Jeyalakshmi



33.Parameshwari

34.R.Shanthi

... Respondents 22 to 34/Respondents 4 to 16

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 11.11.2014 made in W.P.(MD) No.10989 OF 2010.

Prayer in WP(MD). 10989/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records relating to the revision of seniority passed by the 3rd Respondent in his proceedings C.No.A2/11308/2008/R.O.No.139/2009 dated 12-06-2009 in so far as Respondent Nos.4 to 16 are concerned and the consequential memorandum passed by the 1st Respondent in his proceedings No.4757/A1/09 dated 29-10-2009 and communicated by the 2nd Respondent in its proceedings C.No.A1/7727/1237/09 dated 27-11-2009 and quash the same as illegal and consequentially to direct the Respondents 1 to 3 to promote the petitioners as Inspectors of Police with effect from the date on which their juniors were promoted.

For Appellant : Mr.A.K.Baskara Pandian
Special Government Pleader

For R1 to R3 & R18: Mr.R.Sundar

For R6 to R9,
R12, R15 & R21 : Mr.B.Gurumoorthy

For R11,13, 14
19 & 20 : Mr.S.Chellapandian

R4,R5,10,R16,R17 : No appearance

In W.A. (MD) No.650 of 2015:

1.The Inspector General of Police,
South Zone, Madurai.

2.The Deputy Inspector General of Police,
Madurai Range, Madurai.

3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.

.. Appellants/Respondents 1 to 3



- 1.G.Bharathamatha
- 2.V.Nagarathinam
- 3.R.Vasantharani
- 4.S.Ganasoundari
- 5.Yasothai
- 6.Saratha
- 7.Vijaya
- 8.Kamalavathy
- 9.Maria Glory
- 10.Theivanai
- 11.Jeyalakshmi
- 12.Devika
- 13.D.M.Malar
- 14.R.Shanthi

..Respondents/Petitioners

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 25.02.2014 made in W.P.(MD) No.1542 of 2010.

Prayer in WP(MD). 1542/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the revision of seniority passed by the 3rd respondent in his proceedings C.No. A2/11308/2008/R.O.No. 139/2009 dated 12.06.2009 in so far as respondent Nos. 4 to 13 are concerned and the consequential memorandum passed by the 1st respondent in his proceedings No. 4757/A1/09 dated 29.10.2009 and communicated by the 2nd respondent in his proceedings C.No. A1/7727/1237/09 dated 27.11.2009 and quash the same as illegal and consequently to direct the respondents 1 to 3 to promote the petitioners as inspectors of police w.e.f. the date on which their juniors were promoted.

For Appellants	: Mr.A.K.Baskara Pandian
	Special Government Pleader
For R1 to R4	:Mr.H.Md.Imran
	for M/s.Ajmal Associates
R5 to R12	:NA

COMMON JUDGMENT

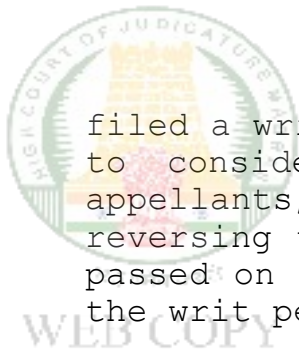
(Judgment of this Court was delivered by M.M. SUNDRESH, J.)

Since the appeals are arising out of the same issue, they have taken up together and dispose of by this common judgment.

2. A seniority list was drawn way back in the year 1981 in the cadre of Woman Constable Grade-II. Much water flown under the bridge over the years resulting in subsequent promotion as Grade-I, Head Constable, Sub-Inspector of Police and Inspector of Police.

<https://hcservices.ecourts.gov.in/hcservices/>

3. In the year 2008, the appellant in W.A.(MD) No.172 of 2018



filed a writ petition in W.P.(MD) No.451 of 2008 and got a direction to consider her representation. In pursuant to the same, the appellants, who filed W.A(MD)No.650 of 2015, passed the order reversing the seniority list drawn in the year 1981. This order was passed on 12.06.2009. Apparently it was also passed without hearing the writ petitioners.

4. The learned single Judge allowed the writ petitions on two grounds. Firstly, settled things sought to be unsettled after more than two decades. The writ petitioners have not been heard at the time of passing the impugned order. Challenging the same, the present appeals in W.A.(MD) Nos.127 of 2017 and 650 of 2015 have been filed.

5. The learned counsel appearing for the appellants would submit that seniority list was drawn wrongly both on fact and on law. Notwithstanding the marks it was drawn. This Court is unable to accept the said contention. In service prudence, the issue qua delay and latches will have to be viewed more seriously. The first seniority list was drawn way back in the year 1981. A representation was made in the year 2009. A mere representation made notwithstanding the numerous promotions made in the interregnum cannot and shall not be allowed to circumvent delay and latches. It appears that the representation itself has been given after 10 years. There was no challenge to the subsequent promotion as Grade-I, Head Constable, Sub-Inspector of Police and Inspector of Police. The impugned order was also passed without hearing the writ petitioners, who acquired vested rights. Even otherwise promotions made subsequently are not challenged and thus cannot be set aside. Therefore, viewing from any perspective, this Court does not find any merit in the writ appeals.

6. In the result, the Writ Appeals in W.A.(MD) No.650 of 2015 and 127 of 2017 are dismissed. In view of the order passed in these writ appeals, W.A.(MD) No.172 of 2018 is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(T&P)

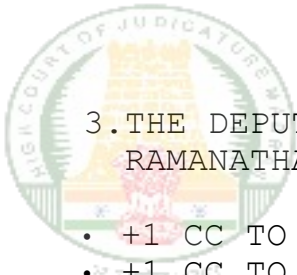
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Sub Assistant Registrar(CS-II)

TO

1.THE INSPECTOR GENERAL OF POLICE,
SOUTH ZONE, MADURAI.

2.THE DEPUTY INSPECTOR GENERAL OF POLICE,
MADURAI RANGE, MADURAI.



3. THE DEPUTY INSPECTOR GENERAL OF POLICE,
RAMANATHAPURAM RANGE, RAMANATHAPURAM.

- +1 CC TO Mr.M.SUBASH BABU, ADVOCATE IN SR No.85090.
- +1 CC TO M/S.AJMAL ASSOCIATES , ADVOCATE IN SR No.84933.
- +1 CC TO Mr.S.CHELLAPANDIAN , ADVOCATE IN SR No.84961.
- +1 cc to Special Government Pleader, SR.No.85344

CM

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C.M.P. (MD) Nos.968 and 969 of 2018
W.A. (MD) No.127 of 2017
and C.M.P. (MD) No.1260 of 2017
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