



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.18672 of 2014 and
M.P.(MD)No.1 of 2014 and
M.P.(MD)No.1 of 2015

N.Muniyasamy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Home (Pol.V) Department,
Secretariat,
Chennai-9.
2. The Director General of Police,
Santhome,
Chennai-600 004.
3. The Commissioner of Police,
Madurai City,
Madurai.

... Respondents

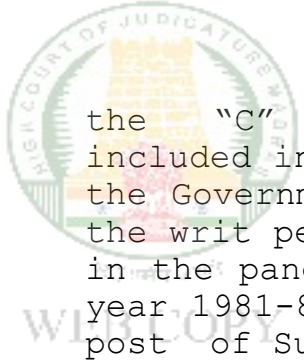
PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned memorandum in Na.Ka.No.P1 (4)/6659/2013 dated 03.09.2014 on the file of the respondent no.3 and quash the same as illegal and consequently to direct the respondents to pay the arrears of the salary along with other attendant benefits with effect from 30.06.2006 pursuant to the refixation of his seniority vide government order in G.O.Ms.905, Home (Police V) Department, dated 25.06.2012 within time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents : J.Gunaseelan Muthaiah
Additional Government Pleader

ORDER

The petitioner was appointed as a Junior Assistant in the year 1974. As per seniority, his name should have been included in



the "C" list for the year 1981-1982. But his name was not included in the said "C" list. So, he submitted a representation to the Government. The Government by order dated 07.08.2006, accepted the writ petitioner's request and duly included him in the "C" list in the panel for promotion to the post of Junior Assistant for the year 1981-82 and also in the "C" list drawn on for promotion to the post of Superintendent for the year 1994-95.

2. The writ petitioner earlier filed W.P.(MD)No.10348 of 2007 seeking inclusion of his name in the panel for promotion for the year 2005-2006 to the post of PA (Administration) for the year 2005-2006, consequent on revision of the seniority vide G.O(2D).No.477, dated 07.08.2006. The writ petition came to be allowed in the following terms.

Consequently, the writ petition is allowed. A Writ in the nature of Mandamus is issued, directing the respondents to consider the case of the petitioner for promotion to the post of Personal Assistant, in view of the inclusion of his name in the panel for promotion for the year 2005-2006, and if found eligible, give promotion from the due date with all consequential benefits.

3. Pursuant to the order dated 20.09.2011 in W.P.(MD)No.10348 of 2007, the Government issued G.O.(Ms)No.478, dated 25.06.2012 directing the inclusion of the name of the petitioner in the panel of Superintendent fit for promotion as Personal Assistant (Administration) for the year 2005-2006. Consequently G.O.Ms.No.905, dated 27.11.2012 was also issued to the effect that except granting such notional promotion, no monetary benefits are to be given to the writ petitioner. The writ petitioner submitted representation in this regard. But, his request was rejected by order dated 03.09.2014. The same is assailed in this writ petition.

4. This Court is of the considered view that it is not open to the respondents to overreach the order passed by this Court. This Court while allowing the writ petition filed by the petitioner herein, directed the respondents to give promotion if the petitioner was found otherwise eligible from the due date with all consequential benefits. The respondent having found the writ petitioner eligible gave him promotion from the due date. But then, notwithstanding the direction of this Court, the authorities have taken a stand that consequential benefits cannot be disbursed to the writ petitioner. The order passed in the writ petition does not admit of any doubt. A specific direction was given by this Court in W.P.(MD)No.10348 of 2007. On this ground, the impugned order is quashed. The respondents are directed to pay the arrears of salary along with other consequential benefits to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order.



5.This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
Home (Pol.V) Department,
Secretariat,
Chennai-9.
2. The Director General of Police,
Santhome,
Chennai-600 004.
3. The Commissioner of Police,
Madurai City,
Madurai.

+ 1 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR No. 45598
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 45967

RMI

TE/JC/SAR-1 : 20/02/2018 : 3P/6C

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