

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21698 of 2018

And

W.M.P.Nos.25452 and 25453 of 2018

D.Kavitha

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Home (Police) Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.
- 3.The Additional Director General of Police (Admin),
Kamarajar Salai,
Mylapore,
Chennai-600 004.
- 4.The Director General of Police (Training),
Kamarajar Salai,
Mylapore,
Chennai-600 004.
- 5.The Chairman,
TNUSRB,
Egmore,
Chennai-600 007.

6.K.Bindhu

7.V.Sherlin

8.V.Sreedevi



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9.S.Saalini

10.K.S.Jayachitra

11.R.P.Sreekala

12.C.Thanammal

13.K.S.Nagalakshmi

14.R.Prema

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent in Rc.No.168187/Rect.II(1)/2016 dated 19.7.2018 and to quash the same and consequently directing the first to fifth respondents to follow the seniority list issued by the third respondent in proceedings No.16350/Rect.II(1)/2015, dated 22.6.2017, followed by 'A' List (Seniority List) on 19.3.2017.

For Petitioner : Mr.R.Muniyapparaj

For Respondents-1to5 : Mr.V.Kadhirvelu,
Special Government Pleader.

For Respondents-6to14 : No Appearance

O R D E R

The list of seniority communicated with reference to the recruitment of Women Sub-Inspectors of Police for the year 2001-2002, is under challenge in the present writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission by stating that the seniority list was not prepared in consonance with Rule 25 of the Special Rules for Tamil Nadu Police Subordinate Services. The objections submitted in this regard also had not been considered with reference to the spirit of the provisions.

3. The grievance particularly contended by the writ petitioner is that the juniors, who were appointed later to the writ petitioner, were overlooked in the matter of granting promotions to the post of Inspector of Police. In other words, it is contended that the persons, who were appointed later than the writ petitioner, were promoted to the post of Inspector of Police.

4. In this regard, the learned Special Government Pleader appearing on behalf of the Department, states that the seniority list had already been prepared with reference to the Rules in force and they have not deviated from the Rules in force.

5. The seniority as per the Rules to be followed are as under:-

(i) In respect of the same recruitment/selection, all the selected candidates, who were appointed to the post of Sub-Inspectors are to be treated as one Unit for the purpose of fixation of seniority. The delay caused, if any, on administrative reasons and for providing training would not affect the prospects of the candidates, who were selected in the same selection;

(ii) The selection list already maintained by the Department with reference to the same selection is to be taken into account for the purpose of arriving the seniority of respective persons, who were appointed pursuant to that selection.

(iii) In this regard, the authorities competent must ensure that the merit list/ranking list as well as the order of appointments are to be considered for the purpose of fixation of seniority of the respective candidates, taking note of the fact that such persons are appointed from the same selection.

(iv) In this regard, if any discrepancies are found in the impugned seniority list now under challenge in the present writ petition, the respondents are bound to review the decisions in order to correct the errors, if any, occurred.

(v) The writ petitioner is at liberty to submit her revised objections/explanations, if any, with reference to the fixation of her seniority, within a period of four weeks from the date of receipt of a copy of this order. In the event of receiving any such objections/explanations, with reference to her respective seniority, such applications/objections/explanations are directed to be considered by the authority and appropriate decision is to be taken by strictly following the rule of seniority as stated above, within a period of twelve weeks from the date of submission of her objections/explanations.

(vi) The official respondents must ensure that the rule regarding the seniority is strictly followed without any deviation or ambiguity. In the event of any doubt, suitable clarifications are also to be obtained from the Government and accordingly, implement the Rule of seniority in order to avoid all such further litigations in this regard.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn
To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home (Police) Department,
Secretariat,
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Chennai-600 009.
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Mylapore,
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- 5.The Chairman,
TNUSRB,
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Chennai-600 007.

+1cc to Mr.R.Muniyapparaj, Advocate Sr.33650

WP 21698 of 2018

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srg 3/5/2019