



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.20431, 20424, 20425 and 20428 of 2019

WEB COPY

Joseph Selvaraj	...	Petitioner in W.P. (MD) No.20431 of 2019
S.Xavier	...	Petitioner in W.P. (MD) No.20424 of 2019
R.Sekar	...	Petitioner in W.P. (MD) No.20425 of 2019
A.Arockiasamy	...	Petitioner in W.P. (MD) No.20428 of 2019

-Vs-

- | | |
|--|---|
| 1.The Government of Tamil Nadu,
Represented by its Secretary to Home Department,
Fort St. George, Chennai-600 009. | |
| 2.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004. | ... Respondents 1 and 2
in all Writ Petitions |
| 3.The Superintendent of Police,
Trichy District, Trichy. | ... 3 rd Respondent
in W.P. (MD) No.20431 of 2019 |
| 3.The Superintendent of Police,
Sivagangai District, Sivagangai. | ... 3 rd Respondent
in W.P. (MD) No.20424 of 2019 |
| 3.The Commissioner of Police,
Trichy City, Trichy. | ... 3 rd Respondent
in W.P. (MD) No.20425 of 2019 |
| 3.The Superintendent of Police,
Sivagangai District, Sivagangai. | ... 3 rd Respondent
in W.P. (MD) No.20428 of 2019 |

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to revise and regularize the service seniority and give the notional promotion and revise the pension with monetary benefits equal to the post of Inspector of Police Rank from the date of retirement to the petitioners on the basis of the implementation order passed to one D.Thangapandian, SSI, S.Michel Antony, SSI, R.Paul Durai SSI and their proceedings C.No.A1/12265/2013, R.O.O.No.141/2015, dated 27.03.2015 and on the basis of the petitioners' representations, dated 19.08.2019, 05.08.2019, 14.08.2019 and 05.08.2019.

For Petitioner

: Mr.A.Rajaram

(in all Writ Petitions)



For Respondents : Mr.V.Anand,
(in all Writ Petitions) : Government Advocate.

COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.

2.Heard Mr.A.Rajaram, learned counsel appearing on behalf of the petitioners and Mr.V.Anand, learned Government Advocate, who takes notice on behalf of the respondents.

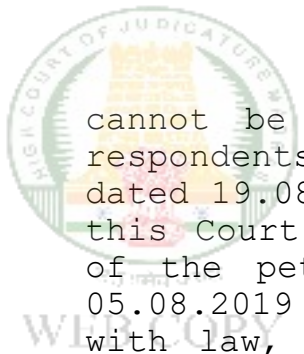
3.By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

4.These Writ Petitions are filed for a direction to the respondents 2 and 3 to revise and regularize the service seniority and give the notional promotion and revise the pension with monetary benefits equal to the post of Inspector of Police from the date of retirement to the petitioners, on the basis of the implementation order passed to one D.Thangapandiyan, SSI, S.Michel Antony, SSI, R.Paul Durai SSI and their proceedings C.No.A1/12265/2013, R.O.O.No.141/2015, dated 27.03.2015 and on the basis of the petitioners' representations, dated 19.08.2019, 05.08.2019, 14.08.2019 and 05.08.2019.

5.All the petitioners are the retired Sub-Inspector of Police and Special Sub-Inspector of Police. According to them, they were promoted as Head Constable, after delay of about 10 years. In view of the same, they lost their opportunity to be promoted as Inspector of Police. The first respondent issued G.O.Ms.No.1681, Home (Pol.V) Department, dated 12.10.1992 and G.O.Ms.No.844, Home (Pol.V)) Department, dated 03.06.1997, revising and regularizing the service seniority. The benefits given in the Government Orders were not implemented in the petitioners' cases. Therefore, the petitioners gave representations to the respondents. However, no order is passed thereon. In view of the same, the petitioners have come out with the present Writ Petitions.

6.The petitioners are contending that the delay in fixing the seniority is in violation of the fundamental rights and the respondents did not consider their representations.

7.Considering the averments made in the affidavit filed in support of the Writ Petitions, it is seen that they were promoted as Head Constable in the year 1985, 1999, 2000 and 1999 and in view of the delay in promotion as Head Constable, they have lost their opportunity to be promoted as Inspector of Police. Positive direction sought for by the petitioners in the Writ Petitions,



cannot be issued by this Court. It is suffice to direct the respondents to consider the representations of the petitioners, dated 19.08.2019, 05.08.2019, 14.08.2019 and 05.08.2019. Therefore, this Court directs the respondents to consider the representations of the petitioners, dated 19.08.2019, 05.08.2019, 14.08.2019 and 05.08.2019 and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8.With the above direction, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004.

3.The Superintendent of Police,
Trichy District, Trichy.

4.The Superintendent of Police,
Sivagangai District, Sivagangai.

5.The Commissioner of Police,
Trichy City, Trichy.

+1.CC. To Mr.A.Rajaram, Advocate in SR No.88591

+1.CC. To SPL.GP., Advocate in SR No.89025

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