

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.13983 of 2020

V.Jayakumar

... Petitioner

-Vs-

1.The Director General of Police (L&O),
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 04.

2.The Commissioner of Police,
Greater Chennai,
Veppery, Chennai - 28.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to pass orders on the representation made by the petitioner dated 20.02.2020 for restoration of seniority within a reasonable time and grant such other further relief as this Court may deem fit in the circumstances of the case.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.D.Surya Narayanan, AGP

O R D E R

This writ petition has been filed to direct the first respondent to pass orders on the representation made by the petitioner dated 20.02.2020 for restoration of seniority within a reasonable time and grant such other further relief as this Court may deem fit in the circumstances of the case.

2. The case of the petitioner is that he has participated in the selection for appointment to the post of Grade II Police Constable for the year 2003-04, conducted by the Tamil Nadu Uniformed Service Recruitment Board. According to the petitioner, he was successful in all the stages of selection. However, he was not sent for training along with his batch mates

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as his appointment was eventually withheld on the ground that he was involved in a criminal case. However, the petitioner was eventually acquitted in the criminal case by Judgment of the Criminal Court dated 10.10.2003.

3. Thereafter, the petitioner reported to the authority for his appointment as he was already selected in the recruitment for the year 2003-04. As there was no action forthcoming, he approached this Court in W.P.No.23239 of 2006 and the same was allowed on 07.08.2006 by directing the authority to consider the appointment of the petitioner. In pursuance of the direction, finally, the appointment order was issued on 27.09.2006. The petitioner was accommodated against Armed Reserve wing in 2008 and thereafter, he was transferred to Law and Order wing in 2010.

4. The grievance of the petitioner is that his seniority has not been reckoned on par with his batch mates who were recruited for the year 2003-04. In this regard, he appears to have submitted his representation dated 20.02.2020. Since there was no response to the representation, the petitioner is before this Court by way of this writ petition.

5. From the above narrative, it is clear that the cause of action arose for the grievance projected in the writ petition was, as early as in the year 2006, when the petitioner was appointed in pursuance of the direction by this Court in the above said writ petition. Nothing has been stated in the affidavit as to why the petitioner has submitted his representation in the 2020, after a period of 14 years from the date of his appointment. The affidavit filed in support of the writ petition is completely bereft of any details as to what happened between the date of his appointment in 2006 and till 2020, when the petitioner claims to have submitted his latest representation. Needless to mention that in the matters of seniority, the petitioner felt aggrieved, the same has to be agitated at the earliest point of time. Such grievance of the petitioner cannot be a subject matter of consideration before this Court after an inordinate delay of 14 years. If the present plea of the petitioner is to be accepted, that would amount to unsettling of the seniority list which has been settled since 2003-04. These kind of litigations are speculative in nature and need to be rejected outright. Any direction from this Court, in response to the seemingly innocuous prayer of the petitioner would give life to the stale claims, which are hit by severe latches.

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6. For the above said reasons, this Court is not inclined to entertain this writ petition and therefore, this writ petition is dismissed as not maintainable. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

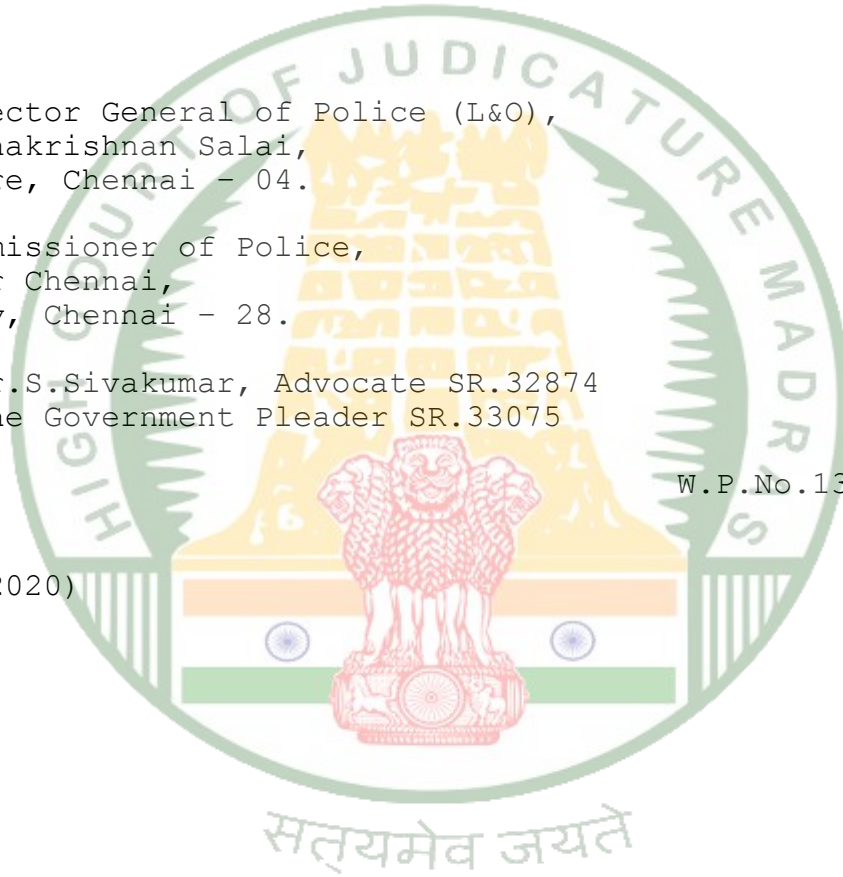
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Dr.Radhakrishnan Salai,
Mylapore, Chennai - 04.

2.The Commissioner of Police,
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Veppery, Chennai - 28.

+1cc to Mr.S.Sivakumar, Advocate SR.32874
+1cc to the Government Pleader SR.33075

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GJ(CO)
CB(06/11/2020)



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