



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) .No.3703 of 2020

and

W.M.P. (MD) .No.3118 of 2020

WEB COPY

- 1.M.Jeyanthi
- 2.T.Suriyakala
- 3.K.Murugeswari
- 4.N.Hemamala
- 5.N.Muthumari
- 6.S.Kowsalya
- 7.M.Santhi
- 8.P.Kavitha
- 9.A.Baby
- 10.C.Vimala

... Petitioners

Vs.

- 1.The Secretary to Government,
Home (Police-V) Department,
Secretariat,
St.George Fort,
Chennai 600 009.

- 2.The Director General of Police,
Law and Order,
Mylapore, Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first and second respondents to revise the seniority list dated 21.08.2017 prepared in the cadre of Inspector of Police fit for promotion to the post of Deputy Superintendent of Police by taking into note of the date of joining in the service in the post of Sub Inspector of Police through the recruitment process conducted in the year of 1997-98 (ie. commencement of practical training which was on 16.04.1999) and in the light of the order passed by this Court in W.A.(MD).SR33910 of 2013 with a leave petition in M.P.(MD).No.1 of 2013, dated 08.03.2018 within the time stipulation as prescribed by this Court.

For Petitioners : Mr.R.Anand

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader



O R D E R

This writ petition has been filed for a direction to the first and second respondents to revise the seniority list dated 21.08.2017, prepared in the cadre of Inspector of Police for promotion to the post of Deputy Superintendent of Police.

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2. The case of the petitioners is that the respondents have provisionally prepared the seniority list in the cadre of Inspector of Police for promotion to the post of Deputy Superintendent of Police and if the said list is given effect, the petitioners' right would be prejudicially affected. Therefore, the petitioners have given a representation dated 21.01.2020, to the respondents, wherein they have pointed out all these facts. However, the said representation is not yet considered by the respondents. Hence, the petitioners have come forward to file this writ petition.

3. When the matter is taken up for hearing, though the learned Additional Government Pleader appearing for the respondents seeks time for filing counter, the learned counsel appearing for the petitioners would submit that appropriate direction may be issued to the respondents not to implement the provisional seniority list prepared by the respondents, dated 21.08.2017, until the disposal of the representation of the petitioners, dated 21.01.2020. At this juncture, the learned Special Government Pleader appearing for the respondents would submit that already based on the provisional list, some of the eligible candidates have been promoted and on the other hand, the learned counsel appearing for the petitioners would submit that they have not promoted so far.

4. Heard the learned counsel for the petitioners as well as the learned Additional Government Pleader appearing for the respondents.

5. The concern of the petitioner was that the respondents should not implement the provisional seniority list prepared by the respondents until the disposal of his representation, dated 21.08.2017, while the stand of the respondents was that based on the provisional seniority list, some of the eligible candidates have been given promotion, thus, it is not possible to hold entire provisional seniority list.

6. In view of the above, this Court directs the respondents not to implement the provisional seniority list dated 21.08.2017, prepared by them to the extent of its non-implementation as on today, until the disposal of the petitioners' representation, dated 21.01.2020.



7. In fine, this Court directs the respondents to dispose of the representation of the petitioners dated 21.01.2020, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

To

1.The Secretary to Government,
Home (Police-V) Department,
Secretariat, St.George Fort,
Chennai 600 009.

2.The Director General of Police,
Law and Order,
Mylapore,
Chennai.

+1 CC to SGP (SR-20151[F] dated 15/10/2020)

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PU(CO)

KM (11.11.2020) 3P 4C