



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8803 of 2020

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R.Ilayaraja

...Petitioner

-Vs-

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai-600 004.

2.The Commandant,
6th Battalion,
District Armed Reserved,
Sivagangai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to fix the petitioners' seniority on par with his batch mates recruited in the year 2010 based on the petitioners' representations dated 27.02.2019 and 24.06.2019 and in the light of the proceedings passed by the first respondent in C.No.3362/Rect 1(2)/2016, dated 11.11.2016 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.N.Muniraj,
For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader

ORDER

The prayer sought for herein in this writ petition is for a Writ of Mandamus, directing the first respondent to fix the petitioners' seniority on par with his batch mates recruited in the year 2010 based on the petitioners' representations dated 27.02.2019 and 24.06.2019 and in the light of the proceedings passed by the first respondent in C.No.3362/Rect 1(2)/2016, dated 11.11.2016 within the time limit that may be stipulated by this Court.

2.Heard Mr.N.Muniraj, learned counsel appearing for the petitioner and Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents.

3. The petitioner even though participated in the Police selection i.e., for appointment of Grade-II Police Constable of the year 2010, he was immediately not selected and thereafter, against



which non-selection, he seems to have approached this Court and after getting orders from this Court, his candidature was considered and he was selected only in the year 2015 and accordingly, he was appointed on 10.06.2016 as such, he has been now working as Grade-II Police Constable under the second respondent.

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4. In this regard, it is the grievance of the petitioner that, his seniority has to be fixed on par with his juniors, who have been selected and appointed in the year 2011 and in this regard, he sent representations to the first respondent on 27.02.2019 and 24.06.20219 and since the said representations have not been considered, the petitioner is before this Court.

5. The learned counsel appearing for the petitioner would submit that, similarly placed persons have been considered and proper seniority having been fixed and they have been placed accordingly, and therefore, the said benefit can be given to the petitioner.

6. However, the learned Additional Government Pleader appearing for the respondents would submit that, the petitioner admittedly was selected in the year 2015 and joined in the year 2016, therefore, whether his plea to consider his request for reckoning the seniority from the year 2011, when he was not at all selected in that year, as he was out of service, can only be considered in accordance with law and therefore, the said representations made by the petitioner on 27.02.2019 and 24.06.2019 would be considered by the first respondent on merits and in accordance with law, within a time frame.

7. Considering the said submissions made by both sides, this Court is inclined to dispose of this writ petition, with the following direction:

" that the first respondent is hereby directed to consider the representations of the petitioner dated 27.02.2019 and 24.06.2019 and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. "

8. With this direction, the Writ Petition is disposed of. No costs.

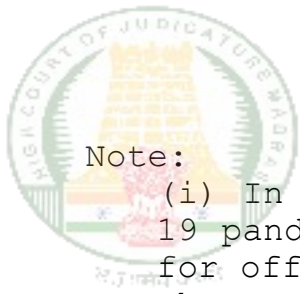
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note:

(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai-600 004.

2.The Commandant,
6th Battalion,
District Armed Reserved,
Sivagangai District.

+1 CC to M/s.GP (SR-13809[F] dated 07/08/2020)

Order made in

W.P. (MD)No.8803 of 2020

Dated:

06.08.2020

AP(07/09/2020) 3P 4C