



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.09.2020**

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THE HON'BLE MR.JUSTICE **R.SURESH KUMAR**

W.P. (MD) Nos.11525, 11531 and 11532 of 2020

G.Soorian	... Petitioner in W.P (MD) .No.11525 of 2020
S.Ponraja	... Petitioner in W.P (MD) .No.11531 of 2020
P.Murugan	... Petitioner in W.P (MD) .No.11532 of 2020

-Vs-

1.The State of Tamil Nadu, Rep., by its Secretary, Home (Police V) Department, Fort St.George, Chennai-9.	
2.The Director General of Police, Dr.Radhakrishnan Salai, Chennai.	
3.The Chairman, Tamil Nadu Uniformed Services Recruitment Board, No.4, 9 th Cross Street, Indira Nagar, Adayar, Chennai-20	...Respondents

Common Prayer: Writ Petitions are filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider and pass appropriate orders on the petitioners' representation dated 31.10.2019, 01.11.2019 and 12.11.2019 within the stipulated time fixed by this Court.
In all petitions

For Petitioners: Mr.S.Chellapandian

For Respondents: Mr.K.Mu.Muthu

Additional Government Pleader



COMMON ORDER

Prayer sought for herein is for a Writ of Mandamus to direct the respondents to consider and pass appropriate orders on the petitioners' representation, dated 31.10.2019, 01.11.2019 and 12.11.2019 respectively within the stipulated time fixed by this Court.

2. Heard Mr.S.Chellapandian, learned counsel appearing for the petitioners and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents.

3. Since the issue raised in all these writ petitions are one and the same, with the consent of both the learned counsel appearing for the parties, all these writ petitions are taken up for disposal at the admission stage itself by passing this common order.

4. The case of the petitioners is that, during the year 1997 there was two recruitments, for which, application were called for. One is for enlistment of Grade-II Police Constable and another one is direct recruitment of Sub-Inspector of Police.

5. The petitioners had participated in both the selection process by making applications and with regard to the post of Constables, they had been selected and appointed in the year 1997-1998 itself and however, insofar as the appointment to the post of Sub-Inspector of Police is concerned, they have not been selected.

6. Subsequently, they came to know that, they could not be selected, because the respondents fixed the cut off marks range-wise by taking the range as a Unit. However, the said issue was taken to the Court of Law from Tamil Nadu State Administrative Tribunal till the Hon'ble Supreme Court of India and after a marathon legal battle, the issue was ultimately concluded that the Range shall not be taken as the Unit. Therefore, based on which alone, the cut off mark are to be fixed and if the Range is not taken as a Unit and cut of marks, accordingly, is taken into account, these petitioners would come to the zone of selection. Accordingly, direction was issued to select them for the post of Sub-Inspector of Police.

7. In the result, only in the year 2017, the Government issued Government Order selecting these people and appointed as Sub-Inspectors of Police. Accordingly, in the year 2018, they joined in service and they had been in training.

8. In this context, it is the grievance of the petitioners that, at the time of the appointment belatedly made to the post of Sub-Inspector of Police in the year 2017, it has been stated that, their seniority could be taken into account notionally for the purpose of service benefits from the original date of selection. However, subsequently, such a revised seniority has not been given to the



petitioners, despite the fact that, subsequent batch i.e., 2005 year's batch of Sub-Inspector of Police, who have also been similarly placed, had been given the revised seniority retrospectively from the date of their original entitlement to get seniority.

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9. Therefore, in this context, all these writ petitioners have filed separate representations to the respondents on 28.05.2019, 01.11.2019 and 12.11.2019 respectively. Therefore, the learned counsel appearing for the petitioners in all these writ petitions would submit that, if these representations are directed to be considered by the respondents on merits and in accordance with law, within a time frame and necessary orders to that effect are directed to be passed, the petitioners would be satisfied.

10. The learned Additional Government Pleader appearing for the respondents, would submit that, whether the petitioners would be entitled to get such a retrospective seniority from 1997-1998 onwards or any subsequent date, would definitely be considered by considering the representations separately given by these petitioners and order to that effect would be passed on merits and in accordance with law.

11. Having regard to the said submissions made by the learned counsel appearing for both sides and after having perused the materials placed by this Court, this Court is inclined to dispose of these writ petitions with the following order:

that the respondents, especially, the second respondent is hereby directed to consider the representation of the petitioners, dated 28.05.2019, 01.11.2019 and 12.11.2019 individually submitted and decide the same, on merits and in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order and communicate the order to be passed in this regard to each of the petitioner.

12. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar(CS)



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Note: 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 Secretary,
State of Tamil Nadu,
Home (Police V) Department,
Fort St.George, Chennai-9.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
- 3.The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
No.4, 9th Cross Street,
Indira Nagar,
Adayar, Chennai-20

+3 CC to M/s.S. CHELLAPANDIAN, Advocate (SR-16756[F]
dated 14/09/2020)

+1 CC to SGP (SR-16892[F] dated 15/09/2020)

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14.09.2020

PM(CO)

NR (03/11/2020) 4P : 8C