

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1251 of 2021 and
WMP Nos.1399 & 1400 of 2021

1. G.Sam William Carter,
2. K.Suresh
3. M.Kulothungan
4. G.Dhanachezhiyan

...Petitioners

-vs-

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Home Department, Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Law & Order, Chennai - 600 004.
3. The Commissioner of Police,
Chennai City, Veppery, Chennai.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent herein in his proceedings Rc.No.163720/NGB V (2)/2018 dated 21.12.2018 and quash the same and consequently issue a direction directing the respondents herein the date of recruitment/appointment as the basis for fixing State Seniority and effect promotion and to promote the petitioner as Sub-Inspector of Police (Armed Reserve) from the date of promotion of his batch mates in the light of the orders passed by the Division Bench of this Court in W.P.No.25043/2002, dated 18.09.2007 which was implemented by Government vide G.O.Ms.No.1623 (Home Pol VI) Department dated 12.12.2008, within a time-frame as deem fit and proper by this Court.

For Petitioner : Mr.G.Bala and Daisy

For Respondents: Mr.P.Karthikeyan,
Additional Government Pleader

O R D E R

This Writ petition is filed, seeking to quash the impugned order passed by the 2nd respondent herein in his proceedings Rc.No.163720/NGB V (2)/2018 dated 21.12.2018 and for a consequential direction.

2. Mr.P.Karthikeyan, Additional Government Pleader takes notice for respondents. By consent, final orders are passed in the Writ Petition at the admissions stage.

3. When the matter is taken up for hearing, it is represented by the respondents that the issue involved in the impugned order is squarely covered by the decision of the Madurai Bench this Court dated 06.01.2020 made in W.P.(MD) No.1554 of 2019 etc., The relevant paragraph of the said Judgment is extracted hereunder:

"16(viii). From the above materials on record, it is seen that the respondents 1 to 3 have so far given promotion to the post of Sub-Inspector of Police (Armed Reserve) based on the entry level seniority and this Court in two Writ Petitions referred to above, had held that entry level seniority is the criteria for fixing inter-se-seniority in the post of Head Constable and 'C' List must contain eligible candidates as per the entry level seniority. In view of the same, the judgments relied on by the learned Senior Counsel appearing for the petitioners are squarely applicable to the facts of the present case.

16(ix). For the above reasons, the petitioners are entitled to the relief sought for in the Writ Petitions. The impugned Memorandum issued by the 2nd respondent, Director General of Police in RC. No. 163720/NGB V (2)/2018 dated 21.12.2018 is hereby quashed. The respondents are directed to consider the petitioners for promotion to the post of Sub-Inspector of Police (Armed Reserve) on the basis of their seniority in cadre of Grade - II Police Constable, if they are otherwise eligible."

4. In view of the above said order dated 06.01.2020, the case of the petitioner shall be considered for the purpose of seniority and promotion, if there are no legal impediments.

5. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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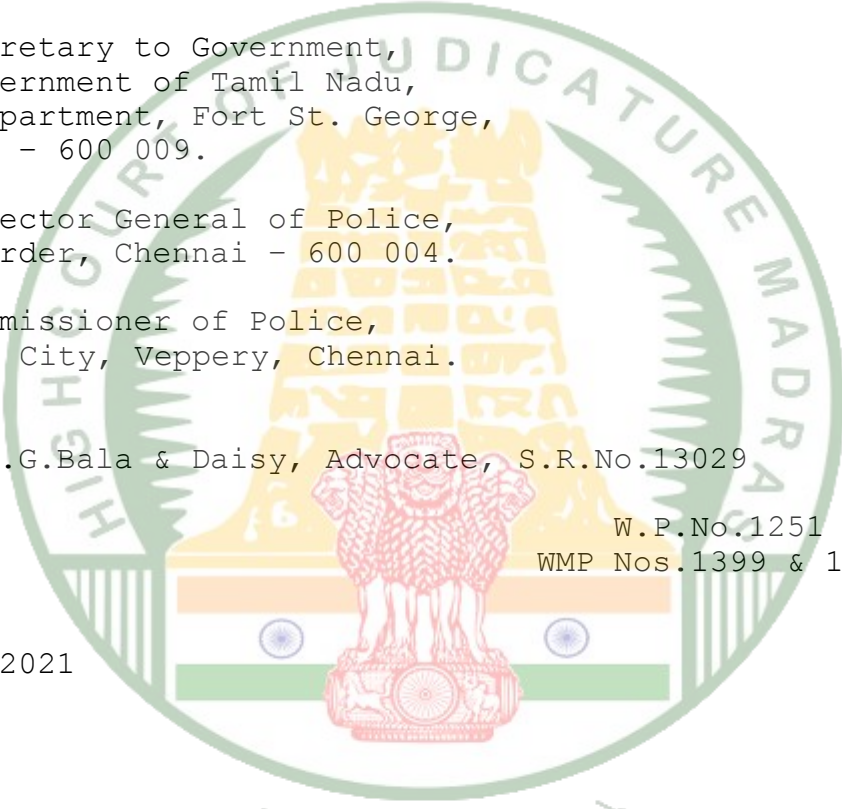
To

1. The Secretary to Government,
The Government of Tamil Nadu,
Home Department, Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Law & Order, Chennai - 600 004.
3. The Commissioner of Police,
Chennai City, Veppery, Chennai.

+4cc to Mr.G.Bala & Daisy, Advocate, S.R.No.13029

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GPL (CO)
KKV/07/04/2021



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