

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.13376 of 2015

R.Deenadayalan

... Petitioner

Vs.

1. The Secretary to Government,
Home [Police III] Department,
Fort St. George, Chennai - 9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to regularize the service of the petitioner along with those who have been appointed to service on 01.12.2013 based on the process of selection conducted for appointment to the post of Gr.II PC for the year 2002-03 by considering the representation of the petitioner dated 14.03.2015 and grant him all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.J.Ramesh
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to regularize the service of the petitioner along with those, who have been appointed to service on 01.12.2013, by considering his representation dated 14.03.2015 and grant him all consequential service and monetary benefits payable to him.

2.According to the petitioner, he was selected for appointment to the post of Grade II Police Constable in Tamil Nadu Police Subordinate Service for the year 2002-03, however, he was not given appointment. On representation, he was informed that he has deficiency in the eye, which was subsequently, cured

by a surgery at Sankara Netharalaya. Thereafter, the petitioner submitted an application for undergoing 2nd medical examination for satisfying the conditions of recruitment. Finding no reply, he approached the Tribunal by filing OA.No.40/2004, which was dismissed. Challenging the same, he preferred WP.No.3228 of 2004, which was disposed of, by order dated 15.03.2004, directing the Government to make appropriate orders on the representation of the petitioner for second medical examination. Pursuant to the said order, the Government accepted the petitioner's representation and subjected him for second medical examination on 28.12.2004, in which, he was found fit for appointment. Consequently, the petitioner was given appointment and he joined the service on 10.07.2005. It is the grievance of the petitioner that the delay occurred for conducting second medical examination was not due to the fault on his part and hence, his seniority has to be restored to 01.12.2003, the date on which his batchmates were appointed to service based on the selection conducted in the year 2002-03. Seeking the said relief, he made a representation dated 14.03.2015 to the respondents. Since the said representation was not considered, the petitioner has approached this Court with the present writ petition for the aforesaid relief.

3.Heard both sides and perused the materials placed before this Court.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation dated 14.03.2015 submitted by the petitioner, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

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To

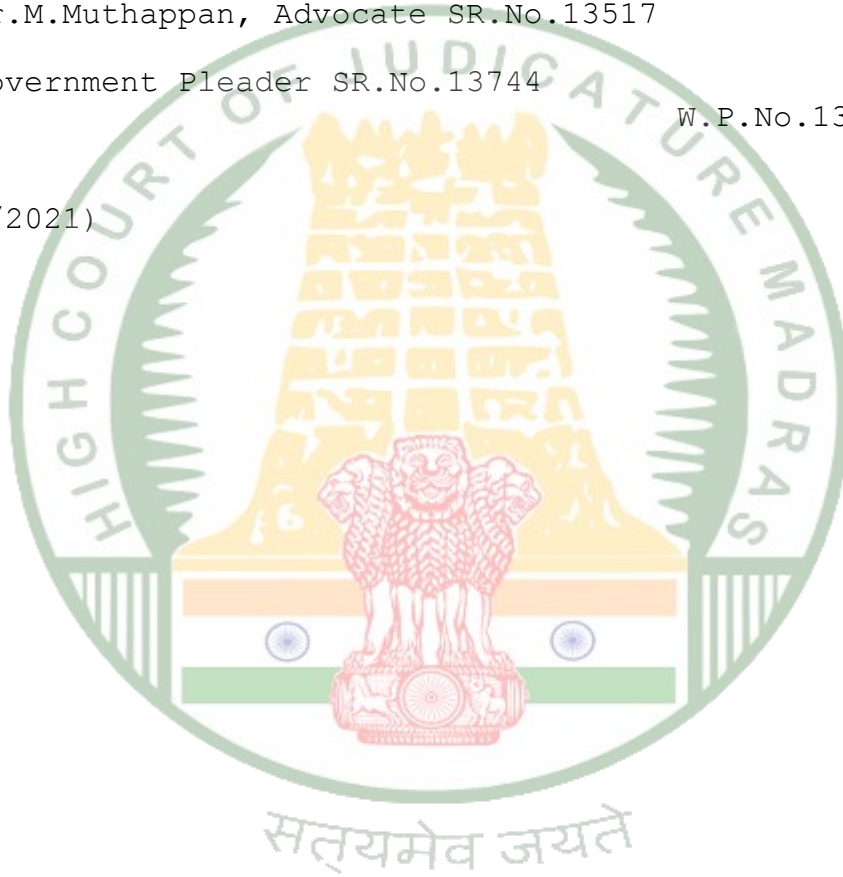
1. The Secretary to Government,
Home [Police III] Department,
Fort St. George, Chennai - 9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

+1cc to Mr.M.Muthappan, Advocate SR.No.13517

+1cc to Government Pleader SR.No.13744

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GPL(CO)
GMY(09/07/2021)



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