

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.5782 of 2012

A.Lloyd Chandra

... Petitioner

-Vs-

1. The Secretary to Government
Home (Police II) Department
Fort St.George, Chennai-9.

2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to count the service rendered by the petitioner in the Fire Service Department as Station Fire Officer for the purpose of seniority in the Police Department and refix his seniority within a reasonable time and grant consequential service and monetary benefits.

For Petitioners :Mr.K.Venkataramani,
Senior Counsel for Mr.M.Muthappan
For Respondents :Mr.K.Magesh,
Special Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to count the service rendered by the petitioner in the Fire Service Department as Station Fire Officer for the purpose of seniority in the Police Department and refix his seniority within a reasonable time and grant consequential service and monetary benefits.

2. The petitioner was selected, appointed and was working as Station Fire Officer in the Fire Services Department with effect from 08.04.1979. When he was working as such, subsequently he had been selected for the post of Sub Inspector of Police in the year 1979 by Tamil Nadu Public Service Commission and accordingly he joined in the said service of Sub Inspector of Police on 02.11.1979. While he joined on 02.11.1979 as Sub Inspector of Police, till previous day he was working as Station Fire Officer and without any break in service, on the next day he claimed to have joined as Sub Inspector of Police.

3. Therefore, in this regard, his grievance was that, the services rendered as Station Fire Officer, which is equivalent to the post of Sub Inspector of Police in the Police Department, can be treated as continuous service for all service and attendant benefits and in this regard, the petitioner, though had given a representation dated 16.12.2011 to the respondents and since the same has not been considered and no orders have been passed, he has approached this Court by filing this writ petition with the aforesaid prayer.

4. Heard Mr.Venkataramani, learned Senior Counsel appearing for the petitioner, who would submit that, by virtue of the various judicial orders passed by this Court, it is possible to calculate the earlier service rendered by the petitioner in the Fire Services Department as continuous service for pensionable benefits and therefore, the representation given by the petitioner in this regard can very well be considered by the respondents and order to that effect can be passed and therefore, if a direction is given to the respondents to consider the representation of the petitioner on merits and in accordance with law within a time frame, the petitioner would be satisfied.

5. However, Mr.Magesh, learned Special Government Pleader appearing for the respondents would submit that, the petitioner was appointed and working in the Fire Services Department and thereafter he was subsequently selected in a separate selection to the post of Sub Inspector of Police in the Tamil Nadu Police Subordinate Services. When that being so, both are different services and there cannot be any continuity of service by taking the earlier service in the Fire Service Department. Moreover, after 30 years of joining in the Police Department, he had sent the present representation dated 16.12.2011 to the respondent Department, at the fag end of his retirement or superannuation and therefore such belated representation is not worthy for considering even on merits. Therefore, the representation cannot be expected to be decided on merits and hence he seeks dismissal of the writ petition.

6. Whether the petitioner is entitled to get relief as he sought for in the representation dated 16.12.2011 has to be considered on merits and a quietus has to be given by disposing the same and without even considering the same, one cannot say that the petitioner is not entitled to get the relief as sought for.

7. I have considered the submissions made by the learned counsel appearing for both sides and have gone through the materials placed on record.

8. In view of the present stand taken by the petitioner and the innocuous nature of the prayer, this Court is inclined to dispose of this writ petition with the following order.

9. There shall be a direction to the respondents, especially the first respondent to consider the representation of the petitioner dated 16.12.2011 and pass orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Since the representation is of the year 2011, the petitioner shall forward a copy of the representation along with a copy of this order to the first respondent within a period of two weeks and thereafter, the needful as indicated above shall be undertaken by the first respondent.

10. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KST

To

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

+1cc to the Government Pleader, S.R.No.19352.

PMK(CO)
CSR 09.04.2021

W.P.No.5782 of 2012

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