

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.7753 of 2020

A.Mylvaganan

... Petitioner

vs.

1.The Union of India,
rep. by its Secretary,
Ministry of Home Affairs, New Delhi.

2.The Secretary to Government,
Department of Home,
St.George Fort, Chennai.

3.The Director General of Police,
Radhakrishnan Salai,
Mylapore, Chennai.

4.The Secretary,
Tamilnadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records in respect of the order passed by the 2nd Respondent in G.O.Ms.No.172, dated 20.03.2020 and quash the same and consequently direct the Respondents to revise the Petitioner's seniority and re-fix the seniority in terms of marks obtained in qualifying examination for the selection and appointment to the post of Deputy Commissioner of Police, Category-I recruited vide G.O.Ms.No.98, Home (Pol-2), dated 29.01.2003.

For Petitioner : Mr.S.Chellapandian

For 1st Respondent : Mr.T.L.Thirumalaisamy
Central Govt. Standing Counsel

For Respondents : Mr.J.Pothiraj,
2 & 3 Special Government Pleader

ORDER

Petitioner has come up with this Writ Petition challenging the order passed by the 2nd Respondent in G.O.Ms.No.172, dated 20.03.2020 and for a consequential direction to the Respondents to revise his seniority and re-fix the same in terms of marks obtained in qualifying examination for the selection and appointment to the post of Deputy Commissioner of Police, Category-I recruited vide G.O.Ms.No.98, Home (Pol-2), dated 29.01.2003.

2. It is represented that, Respondents have examined the request of the Petitioner that, revision of his seniority could not be complied with, as Special Leave Petitions were pending against the order passed in the Writ Petition, declaring Section 40(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, as ultra vires.

3. Today, learned Special Government Pleader appearing for Respondents 2 and 3 submitted that, Special Leave Petitions in S.L.P.(C) Nos.3102 to 3116 of 2020 preferred by the Petitioner were dismissed vide order dated 06.07.2020 on the ground that, there is absolutely no merit in the Petitions.

4. Taking note of the submissions made by the learned Special Government Pleader, this Court is of the view that, the Government Order in G.O.Ms.No.172, dated 20.03.2020 impugned in this Writ Petition requires interference. Accordingly, the impugned Government Order is quashed and the matter is remanded to the 2nd Respondent herein for fresh consideration in accordance with law, in the light of the dismissal order dated 06.07.2020 passed by the Apex Court in S.L.P.(C) Nos.3102 to 3116 of 2020. The 2nd Respondent is expected to take a decision and pass appropriate orders within a period of sixty (60) days from the date of receipt of a copy of this order.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.M.P.No.9142 of 202 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

1.The Secretary,
Union of India,
Ministry of Home Affairs, New Delhi.

2.The Secretary to Government,
Department of Home,
St.George Fort, Chennai.

3.The Director General of Police,
Radhakrishnan Salai,
Mylapore, Chennai.

4.The Secretary,
Tamilnadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar, Park Town, Chennai.

+1cc to Mr.T.L.THIRUMALAISAMY, Advocate, S.R.No.18775
+1cc to Mr.S.CHELLAPANDIAN, Advocate, S.R.No.19247

(CO)
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W.P.No.7753 of 2020

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