



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

**CMP (MD) Nos.2966, 2967, 2970 of 2020 in
Rev.Aplc. (MD) SR.Nos.16601 to 16603 of 2020**

1.The Inspector General of Police,
South Zone,
Madurai.

2.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.

: Petitioners/
Appellants in all petitions

Vs.

1.G.Bharathamatha

2.V.Nagarathinam

3.R.Vasantharani

4.S.Gnanasoundari

5.Yasothai

6.Saratha

7.Vijaya

8.Kamalavathy

9.Maria Glory

10.Theivanai

11.Jeyalakshmi

12.Devika



13.D.M.Malar

14.R.Shanthi

: Respondents/
Respondents in CMP No.2966/20

1.Yasodhai

2.Bharathamatha

3.V.Nagarathinam

4.R.Vasantharani

5.S.Gnanasoundari

6.Saratha

7.Vijaya

8.Kamalavathy

9.Maria Glory

10.Theivanai

11.Jeyalakshmi

12.Devika

13.D.M.Malar

14.Shanthi

... Respondents/Respondents
in CMP No.2967/2020

1.A.Muniyammal

2.B.Jenova

3.Jasmine Vasantharani

4.M.Dhanapandi

5.G.Amirtham

6.R.Lakshmi

7.Pandiyammal

8.V.Rajakumari



10.D.Amutha

11.Vijayalakshmi

12.C.Prasanna Gunasundari

13.Geetharamani

14.V.Vijayal

15.Padmavathi

16.C.Saratha

17.G.Rajeshwari

18.L.Sagayarani

19.M.Velammal

20.P.Maragatham

21.Mumtaj Nizar

22.Yasothai

23.Saratha

24.Vijaya

25.Kamalavathy

26.Maria Glory

27.Theivanai

28.Jeyalakshmi

29.Devika Jeyalakshmi

30.D.M.Malar

31.Jeyalakshmi

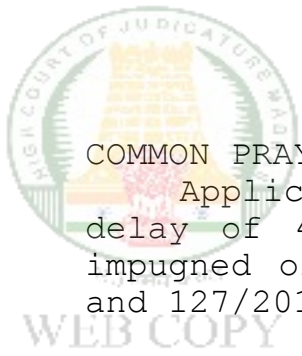
32.Anarkali

33.Parameshwari

34.Shanthi

<https://hcservices.ecourts.gov.in/hcservices/>

: Respondents/Respondents
in CMP No.2970/2020



COMMON PRAYER IN CMP(MD)Nos.2966,2967,2970/2020:

Applications filed under 5 of the Limitation Act to condone the delay of 449 days in filing the review applications against the impugned order dated 17.09.2018 in W.A.(MD) No.650/2015, 172/2018 and 127/2017.

COMMON PRAYER IN REV.APLC(MD)SR.1661 TO 16603 OF 2020:

Review Applications filed under Order 47 Rule 1 & 2 r/w under Section 114 of the Civil Procedure Code against the order of this Court in W.A.(MD) Nos.650/2015, 172/2018 and 127/2017 dated 17.09.2018.

Common Prayer in WA(MD).Nos.650 of 2015, 172 of 2018 and 127 of 2017:

Writ Appeals are filed under section 15 of Letter Patent Act, praying this Hon'ble Court against the order dated 25.02.2014, 25.02.2014 and 11.11.2014 made in WP.(MD).Nos.1542 of 2010, 1542 of 2010 and 10989 of 2010 respectively.

Prayer in WP(MD).No.1542 of 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the revision of seniority passed by the 3rd respondent in his proceedings C.No. A2/11308/2008/R.O.No. 139/2009 dated 12.06.2009 in so far as respondent Nos. 4 to 13 are concerned and the consequential memorandum passed by the 1st respondent in his proceedings No. 4757/A1/09 dated 29.10.2009 and communicated by the 2nd respondent in his proceedings C.No. A1/7727/1237/09 dated 27.11.2009 and quash the same as illegal and consequently to direct the respondents 1 to 3 to promote the petitioners as inspectors of police w.e.f. the date on which their juniors were promoted.

Prayer in WP(MD).No.10989 of 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records relating to the revision of seniority passed by the 3rd Respondent in his proceedings C.No.A2/11308/2008/R.O.No.139/2009 dated 12-06-2009 in so far as Respondent Nos.4 to 16 are concerned and the consequential memorandum passed by the 1st Respondent in his proceedings No.4757/A1/09 dated 29-10-2009 and communicated by the 2nd Respondent in its proceedings C.No.A1/7727/1237/09 dated 27-11-2009 and quash the same as illegal and consequentially to direct the Respondents 1 to 3 to promote the petitioners as Inspectors of Police with effect from the date on which their juniors were promoted.



For Appellants

: Mr.K.Chellapandian
Additional Advocate General
assisted by Mrs.S.Srimathy
Special Government Pleader

WEB COPY

For Respondents

: Mr.H.Mohammed Imran for
M/s.Ajmal Associates

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

On last occasion, it was agreed that the review applications itself are taken up along with the issue of delay.

2. These petitions have been filed seeking to condone the delay of 449 days. In the affidavit filed in support of these petitions, it has been stated that there was an administrative delay including the opinion sought from the Government Pleader apart from papers being misplaced.

3. On merits, the learned Additional Advocate General submitted that the subsequent seniority, though was drawn after a period of 18 years, it was done in pursuant to the letter dated 07.08.1996. Accordingly, seniority was fixed as per the marks.

4. The learned counsel for the respondents submitted that rights have become accrued and there is no basis for redrawing the seniority, after 1½ decades by even the D.O. letter dated 07.08.1996 can only be prospective and cannot take away the seniority drawn in 1981. The delay has not been explained properly.

5. We do not find any grounds both on the question of condonation of delay and on merits.

6. The affidavit filed is bereft of material particulars. It is not as if the petitioners are not aware of the order passed. The reasons stated that there is delay with respect to obtaining opinion from the Government Pleaders' office and mixing the bundle cannot be considered as sufficient cause for condoning the delay. The condonation of delay would be looked into seriously, especially in service matters, as it would lead to unsettling the settled issues. Exactly, on the ground of delay and laches, we dismissed the writ appeals and the same has happened even thereafter.

7. The original seniority was drawn in the year 1981. The subsequent one was drawn in the year 2009 by placing reliance upon the impugned D.O. letter dated 07.08.1996. While the said letter cannot be used to take away the right vested, this is also subsequent to the seniority drawn. This letter is not even taken



after 2009, as we have observed in our earlier order, much water has flown under the bridge, even at the time of passing the order. Accordingly, the delay applications are dismissed. Consequently, the Review Applications are rejected at the SR stage itself. No costs.

WEB COPY

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

To

1.The Inspector General of Police,
South Zone, Madurai.

2.The Deputy Inspector General of Police,
Madurai Range, Madurai.

3.The Deputy Inspector General of Police,
Ramanathapuram Range, Ramanathapuram.

**CMP(MD) Nos.2966, 2967, 2970 of 2020 in
Rev.Applc. (MD) SR.Nos.16601 to 16603 of 2020
23.02.2021**

KUN(CO)

TR(09.04.2021) 6P 4C