



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.24693 of 2009

S.Alagarsamy

...Petitioner

Vs

1.The Secretary to Government,
Home (Police) Department,
Secretariat, Chennai -9.

2.The Director-General of Police,
Tamil Nadu, Chennai -4.

3.The Superintendent of Police,
District Police Office,
Namakkal District,
Namakkal.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the 3rd respondent herein passed in his D.O.676/2009, Rc.No.A2/32042/2009 dated 05.10.2009 and quash the same and consequently direct the respondents herein to re-fix the petitioner's seniority as Grade-I Police Constable, Head Constable and Sub-Inspector of Police with effect from the date of promotion of his batch-mates recruited along with the petitioner and consequently re-fix the petitioner's pay on par with his juniors with arrears of pay and treat the period of out of employment from 07.01.1994 to 30.03.1995 as duty for all purposes with arrears of pay.

For Petitioner : Mr.Ravi Shanmugam

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader



O R D E R

With the consent of both the parties, this Writ Petition is taken up for final disposal.

WEB COPY

2.The petitioner is aggrieved against the fixation of seniority as Grade-I Police Constable, Head Constable and Sub-Inspector of Police. According to the petitioner, the batch-mates of the petitioner who were recruited along with him have been shown as seniors and they were also promoted by overlooking the promotion of the petitioner. The petitioner has made representation in this regard seeking for re-fixation of seniority and consequent upgradation of his rank. When the representation of the petitioner was not considered by the respondents, he filed a Writ Petition in W.P.No.12795 of 2009 and by an order dated 10.07.2009, this Court had directed the Secretary to the Government, Home (Police) Department and the Director General of Police to consider the petitioner's representation dated 12.06.2009 and pass orders on merits, within a period of eight weeks. However, in contrary to the direction of this Court, the Superintendent of Police, Namakkal District has now passed this order, denying the petitioner's request for refixation of seniority and upgradation in the rank.

3.The learned counsel appearing for the petitioner submitted that, the petitioner would be satisfied if the Director General of Police is directed to consider his representation as ordered by this Court in W.P.No.12795 of 2009. dated 10.07.2009.

4.When the High Court had directed the Secretary to the Government, Home (Police) Department and the Director General of Police to consider the petitioner's representation, the 3rd respondent may not be justified in passing the order by considering the petitioner's representation. While that being so, this Court is of the view that the Director General of Police, Chennai could be called upon to dispose of the petitioner's representation dated 12.06.2009.

5.In the light of the above findings, the Director General of Police, Chennai, (i.e.,) the 2nd respondent herein is called upon to consider the petitioner's representation dated 12.06.2009 on its own merits and pass orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. The petitioner herein shall submit a copy of the earlier representation dated 12.06.2009, together with a copy of this order, within one (1) week from the



date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

rst

To

1. The Secretary to Government,
Home (Police) Department,
Secretariat, Chennai -9.
2. The Director-General of Police,
Tamil Nadu, Chennai -4.
3. The Superintendent of Police,
District Police Office,
Namakkal District,
Namakkal.

+1cc to the Government Pleader, SR.No.18348

W.P.No.24693 of 2009

SVI (CO)
CB(31/03/2022)