



WEB COPY

W.P.No.40104 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 40104 of 2016 & 36731 to 36734 of 2016

1. D. Tamilarasan

... Petitioner
in W.P. No. 40104 of 2016

2. M. Mannu

... Petitioner
in W.P. No. 36731 of 2016

3. A. Vivekanadan

... Petitioner
in W.P. No. 36732 of 2016

4. Vedhanayagam

... Petitioner
in W.P. No. 36733 of 2016

5. K. Krishnamoorthy

... Petitioner
in W.P. No. 36734 of 2016

Vs.

1. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.

2. The Superintendent of Police,
Krishnagiri District.

Second respondent in
W.P. Nos. 40104,
36732 & 36733 of 2016



3. The Superintendent of Police,
SBCID, Kamarajar Salai,
Mylapore,
Chennai – 600 004.

Second respondent in
W.P. No. 36731 of 2016

4. The Superintendent of Police,
Ariyalur District.

Second respondent in
W.P. No. 36734 of 2016

Prayer in all WPs: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to include the petitioners' name in the selection list for the year 1992-93 along with his batch-mates recruited in the year 1992-93 with due seniority and award all consequential service benefits on the basis of the earlier orders of the Hon'ble Madras High Court in W.P.Nos. 41271, 41272 and 41273 of 2006 dated 25.02.2011 and the implementation order by the department in D.O.No. 208/2016, in C.No.A3/9533/2015 dated 07.03.2016.

For Petitioners : Mr. S. Anbazhagan
for Mr. A. Rajaram

For Respondents : Mr. S. Rajesh
Government Advocate
for R1 and R2

COMMON ORDER

Mere selection would not confer any right on the candidate either to claim appointment or to claim seniority for appointment, pursuant to the selection, at a later point of time.



2. The grievance of the writ petitioners is that the selection was conducted in the year 1993. However, the petitioners were appointed in the year 2000 and the seniority was fixed from the date of their appointment and not from the date of selection which was conducted in the year 1993.

3. As stated above, mere selection cannot be a ground to claim seniority in service, which is to be determined with reference to the Rules in force. The petitioners were appointed admittedly in the year 2000 pursuant to their selection conducted in the year 1993. Thus, the seniority of the writ petitioners were fixed as per the Rule 2(1) of the Tamil Nadu State Subordinate Service Rules and G.O.Ms. No. 1339 Home (Pol-3) Department dated 01.10.1999. The seniority of the petitioners were fixed at the bottom of 1997-1998 batch Grade II Police Constables with effect from 15.05.2000.

4. The petitioners were appointed in the year 2000 and the present writ petitions have been instituted after a lapse of 16 years from the date of appointment. If at all any seniority issue arose, the aggrieved employees have to approach the authorities, within a period of three years. In the present case, the representations submitted by the petitioners were



considered and rejected by the competent authorities. Moreover issue regarding the seniority was raised by these writ petitioners after a lapse of several years. Therefore, the said seniority cannot be settled and in the event of unsettling, prejudice would be caused to many of the police personnel, who were recruited in subsequent batches as Grade II Police Constable. Thus, the writ petition filed after a lapse of many years need not be entertained. That apart, the seniority of the writ petitioners were fixed at the bottom of 1997-98 batch Grade II Police Constable with effect from 15.05.2000, since all the petitioners were appointed in the year 2000. This being the factum, the relief as such sought for in the present writ petitions deserve no further consideration. Consequently, the writ petitions are dismissed. No costs.

07.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

1. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.

2. The Superintendent of Police,
Krishnagiri District.

3. The Superintendent of Police,
SBCID, Kamarajar Salai,
Mylapore,
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4. The Superintendent of Police,
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S.M.SUBRAMANIAM, J.

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