



W.P.No.18500 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18500 of 2017

K.Srinivasa Gopalan

...Petitioner

Vs.

- 1.The Joint Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director General of Police,
Kamarajar Salai,
Chennai – 600 004.
- 3.The Inspector General of Police,
Technical Services,
Kamarajar Salai,
Chennai – 600 004.
- 4.The Deputy Inspector General of Police,
Technical Services,
Police Telecommunication Branch,
Kamarajar Salai,
Chennai – 600 004.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified, calling for the records relating to the 1st respondent's rejection letter communicated thro' the 3rd respondents proceedings in R.C.No.A3/12529/2005 dated 27.09.2016 by confirming the 1st respondent's earlier proceedings made in letter No. 84427/Pol.IX/2008-5 dated 11.03.2009 and quash the same and direct the respondents to restore the seniority of the petitioner from the year 1972 selection on par with his colleague P.Srinivasan and grant all other consequential notional promotion and monetary benefits

For Petitioner : M/s.M.Muthappan
For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

The order of rejection rejecting the claim of the Writ Petitioner for revision of seniority along with the batch mates from the year 1972 is under challenge in the present writ petition.



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2.The petitioner states that he is an Ex-servicemen and served as a Radio Mechanic for about five years in Indian Army. Thereafter, he was discharged from Army and submitted an application for selection to the post of Radio Technician in the Tamil Nadu Police Subordinate Services. The petitioner was appointed as Radio Technician on 13.03.1973, after obtaining relaxation of Rule from the Government. The petitioner states that relaxation of Rule was unnecessary and his case was erroneously forwarded for the purpose of grant of relaxation. The service of the writ petitioner was regularized on 13.03.1974 and he completed probation on 13.07.1975. The post of Radio Supervisor has now been redesignated as Sub Inspector-Technical.

3.The grievance of the writ petitioner is that his batch mates who were selected during the year 1972 as Radio Technician got the benefit of seniority from the year 1972 and accordingly, they were promoted to the higher post of Sub Inspector-Technical and Inspector-Technical. However, the said benefit was not extended to the writ petitioner. The delay occurred on account of the relaxation which was granted by the Government. The Administrative delay in



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granting relaxation by the Government should not be a ground to deny seniority of the petitioner along with the batch mates from the year 1972.

4.The learned Government Advocate appearing on behalf of the respondents mainly objected by stating that there was an enormous delay in pursuing the matter by the petitioner. That apart, the seniority disputes are to be raised within a period of three years from the date of cause of action. In the present case, the petitioner raised a cause of action from the year 1972 and thus, he should have approached the competent authority, within a period of three years. However, the petitioner approached the authorities belatedly and there was a long delay at every stage and thus, at this length of time the seniority cannot be revised.

5.The fact remains that the petitioner had reached the age of superannuation on 28.02.2006. Almost sixteen years lapsed from the date of retirement. Even at the time of filing of the writ petition, the petitioner was aged about 69 years and he filed the present writ petition challenging the impugned order passed by the respondents on 11.03.2009. Though, the copy



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was said to be communicated at later point of time, the fact remains that the order impugned was passed in the year 2009. That apart, the claim of the petitioner for revision of seniority is from the year 1972 onwards and therefore, this Court is of the opinion that the settled seniority cannot be unsettled after a lapse of many years. The Courts have repeatedly held that the issues regarding seniority are to be raised as per the Rules, within a period of three years and in the event of prolongation or delay, the same would cause prejudice to other employees who all are serving in the Department. If at all the seniority of the writ petitioner is restored from the year 1972, the same will cause prejudice to the other employees or it will open Pandora box, wherein, many other retired employees would also claim the said seniority and monetary benefits which will result in huge financial loss to the State exchequer. All these consequences are to be considered by this Court, when such writ petition seeking revision of seniority is entertained after huge delay. Since, the petitioner was allowed to retire from service in the year 2006 and further the impugned order itself was passed in the year 2009 and the writ petition has been filed after a lapse of 8 years from the date of passing of the



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impugned order, this Court is not inclined to consider the relief as such sought for in the present writ petition. The writ petitioner as of now is aged about 74 years and the revision of seniority at this length of time by unsettling the departmental seniority is not desirable.

6. Accordingly, this writ petition stands dismissed. No Costs.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

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S.M.SUBRAMANIAM, J.

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