



W.P.No.4003 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.07.2023

CORAM :

**THE HON'BLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.No.4003 of 2021

and

W.M.P.Nos.4569, 4570 & 4571 of 2021

- 1.A.Siva Ananth
- 2.K.Mariyappan
- 3.M.Kumaravel
- 4.T.Thiyagarajan
- 5.P.Wiknesvaran
- 6.K.Kalaichelvan
- 7.R. Sivakumar
- 8.R. Saravanan
- 9.B. Rajinikanth
- 10.M.Selvaraj
- 11.S. Subash
- 12.P. Periaiah
- 13.P.Pandithurai
- 14.A.Kathirvel
- 15.K.Sundarapandiyan
- 16.A.Nagarajan
- 17.D.Sekar Singh
- 18.P.V. Naveen
- 19.M.Chiranjeevi
- 20.K. Sivasenthilkumar
- 21.D.Kannan
- 22.T.Shanmugavelu
- 23.K. Kulasekaran
- 24.S.Manoharan
- 25.A.Ravikumar



W.P.No.4003 of 2021

- 26.M.Ravi  
27.S. Senthil  
28.T.A.Dhavamani  
29.K.Balaji  
30.K.Selvam  
31.G.Rameshkumar  
32.K.Gobi  
33.P.Kumar  
34.V.Rajavel  
35.M.Gunasekaran  
36.K.Ambethkar  
37.S.Manickavel  
38.T.Parimannan  
39.M.N. Elango  
40.R.Vivekanandan  
41.K.Mohan Doss  
42.N.Ravindiran  
43.M.Sathish  
44.G.Muthusubramanian  
45.P.Suresh  
46.P.Gobinath  
47.K.Thangaraj  
48.D.Selvakan David  
49.P. Loganathan  
50.Kathiravan P  
51.S.Alagarsamy  
52.K.Madasamy  
53.P.Thirumalairajan  
54.G.Dillibabu  
55.I.Sivakumar  
56.C.Ravi  
57.P.K.Sivakumar  
58.P. Saravanan  
59.S.Vijayakumar  
60.S.Anbukarasan  
61.E.Saravanan  
62.K.Sudhakar  
63.M.Rabinson



W.P.No.4003 of 2021

64.R.Ganesh Babu  
65.C.Muthukumar  
66.R.Balamurugan  
67.B.S.Venkatesh Kumar  
68.K.S.Anbuchelvan  
69.M.Ramani  
70.R.Senthil  
71.P.Arumugam

... Petitioners

Versus

1.The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-600 009.

2.The Director General of Police,  
Mylapore, Chennai-600 009.

3.A.Vahitha Begam  
4.T.Kanimozhi  
5.G.Sakthivel  
6.M.Jaganathan  
7.R.Paulraj  
8.K.Rameshkumar  
9.P.Raja  
10.Ganavel  
11.Bernard Xavier  
12.A.Lakshmilatha  
13.R.Esther  
14.A.Dharmalingam  
15.P.Parthiban  
16.A.Ranjana  
17.N.sheela  
18.K.Indirani  
19.M.Pandi  
20.S.Vallinayagam  
21.K.Senguttuvan  
22.M.C.Ramesh

... Respondents

(R18 to R22 impleaded vide order dt.11.07.2022  
made in WMP.No.15721 of 2021)



W.P.No.4003 of 2021

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India, prayed to issue Writ of Certiorarified Mandamus, to call for the records of the 2<sup>nd</sup> respondent's impugned proceedings dated 30.01.2021 in Rc.No.284045/ Rec.II(1)/2011, and to quash the same as arbitrary, illegal, unconstitutional and consequently direct the 2<sup>nd</sup> respondent to retain the seniority list of the petitioners' dated 06.07.2009.

For Petitioners : Mr. S.Prabakaran, Senior Counsel,  
for MA.Gouthaman

For Respondents : Mr. P. Kumaresan, Additional Advocate General.  
Asst., by M/s.C.Meera Arumugam (for R1 & R2)

: Mr. K.S. Viswanathan, Senior Counsel,  
for Mr. S. Sivakumar (for R3 to R22)

### **ORDER**

This Writ Petition has been filed, challenging the impugned proceedings dated 30.01.2021 in Rc.No.284045/ Rec.II(1)/2011 issued by the second respondent and to quash the same and seeking a consequential direction to the 2<sup>nd</sup> respondent to retain the seniority list of the petitioners' dated 06.07.2009.

2. The case of the petitioners is that they were selected for the post of Sub Inspectors of Police during 1997-1998 through a direct recruitment by G.O.Ms.1317, Home (Police-9), Department, dated 08.06.1997. The selection was made on a zonal basis, with a separate cut-off mark fixed for



W.P.No.4003 of 2021

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each zone. After completion of the training, examinations were also conducted for two batches separately in the years 1999 & 2000. The seniority was fixed based on their date of joining duty as per Rule 25(a) of Special Rules for Tamil Nadu Police Subordinate Service. But, the petitioners' seniority was not fixed as per the said Rule. While so, since Tr.S.R.G.Thayal and 13 others seniority were not fixed properly, they have filed a Writ Appeal No.1039 of 2011 and obtained order dated 13.04.2023 from this Court and got their re-fixation of seniority as per the rule. The said fact was clearly mentioned in the impugned proceedings issued by the second respondent vide letter R.C.No.284045/Rec.II(1)/2011, dated 30.01.2021, but, in which also the petitioners' names were not mentioned in the seniority list. hence, challenging the same the present Writ Petition has been filed by the petitioners.

3.Heard the learned Senior Counsel appearing for the petitioners and the learned Additional Advocate General appearing for respondents Nos.1 and 2 and the learned Senior Counsel appearing for respondents Nos.3 to 33 and perused the entire records of the case.



W.P.No.4003 of 2021

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4.It appears that though the second respondent passed the impugned order, revising the seniority list of 1997-1998 batch persons, in respect of directly recruited Sub Inspectors of Police, in paragraph No.10, the second respondent has specifically requested that all the Unit Officers to communicate the impugned order to the concerned Sub-Inspectors of 1997-98 batch working in their Districts/Cities/Units and get objections from them on or before 10.02.2021. However, without filing the objections to the draft revised seniority list prepared by the second respondent vide impugned order, the petitioners have come forward with the present Writ Petition, challenging the impugned order.

5.When this was pointed out, the learned Senior Counsel appearing for the petitioners fairly acceded to the fact that the petitioners have not filed any objections to the impugned order. He referred to paragraphs Nos.10 & 11 of the impugned order, dated 30.01.2021 passed by the second respondent, which reads as under:

*"10. The Unit Officers are requested to communicate the draft seniority list to the concerned Sub-Inspectors of 1997-98 batch working in their Districts/Cities/Units through the Sub-Divisional Officers/Concerned DSPs and get their acknowledgment and send the same to the office on or*



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W.P.No.4003 of 2021

*before 05.02.2021 besides displaying the same in the notice board. Further, the Unit Officers concerned are requested to instruct the Sub-Inspectors of 1997-98 batch to file the objections if any before 10.02.2021. If they have no objection regarding draft seniority of Sub-Inspectors of 1997-98 batch, a letter to this effect may be obtained and sent to Chief Office on or before 15.02.2021. If any of the Sub-Inspectors of Police belonging to 1997-98 batch is on deputation, the parent unit officer is requested to get the objections from them and send if to Chief Office.*

*11. After consolidation of all objections and other due considerations, based on the Government Order referred above and as per law, seniority list be prepared."*

6.The learned Additional Advocate General Counsel appearing for the respondents Nos.1 & 2 would fairly submit that as per paragraph No.10 of the impugned order, the petitioners may be directed to file their objections before the second respondent, within a period of four weeks from the date of receipt of a copy of this order and on such objections being filed, as per paragraph No.11, the second respondent may be directed to consider the same and pass orders in accordance with the law, within a period of four weeks thereafter and thereupon, the first respondent may be directed to pass the final orders and till such time, the impugned order may also be ordered to be kept in abeyance.



W.P.No.4003 of 2021

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7. In the present Writ Petition though the petitioners have now challenged the present impugned revised seniority list of 1997-98 on various grounds, This Court directs the petitioners to make their objections to the said impugned order passed by the second respondent; and the same may be considered on merits, accordance with law and appropriate orders be passed by the first respondent and the first respondent is also directed to pass final order; and till such time, the impugned order is ordered to be kept in abeyance.

8. Considering the submissions now made by the learned Senior Counsel for the petitioners and the learned Additional Advocate General appearing for respondents Nos.1 & 2, without adverting to the merits of the matter, this Court feels it appropriate to pass the following order:

(i) The petitioners are directed to submit their objections as called for in paragraph No.10 of the impugned order, in respect of the Revised Seniority List of 1997-98 before the second respondent, within a period of four weeks from the date of receipt of a copy of this order;

(ii) On such objections being filed, as per paragraph No.11 of the impugned order, the second respondent is directed to consolidate all the



W.P.No.4003 of 2021

WEB COPY

objections and consider the same and pass orders in accordance with the law, within a period of four weeks;

(iii) Thereafter, the first respondent is directed to pass final orders based on the orders being passed by the second respondent. Till such time, the impugned order being passed by the second respondent dated 30.01.2021 in Rc.NO.284045/Rec.II(1)/2011, is hereby ordered to be kept in abeyance.

9.The Writ Petition is disposed of with the above directions and observations. No costs. Consequently, the connected miscellaneous petitions are closed.

**24.07.2023**

Index : Yes/No  
Speaking / Non-Speaking order  
Neutral Citation : Yes/No

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To:

- 1.The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-600 009.
- 2.The Director General of Police,  
Mylapore, Chennai-600 009.



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W.P.No.4003 of 2021

**J.SATHYA NARAYANA PRASAD,J.**

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