



W.P.No.3973 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 24.07.2023

CORAM :

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

W.P.No.3973 of 2021

and

W.M.P.Nos.4535, 4539 & 4540 of 2021

- 1.R.Ranjith Singh
- 2.P.Vijaycharles
- 3.S.Anandakumar
- 4.T.Sathyamurthy
- 5.K.Nagarajan
- 6.B.Sivakumar
- 7.V.V.Sivakumar
- 8.C.Vetriselvan
- 9.J.Athisayaraj
- 10.S.Prabakar
- 11.M.Bharathimohan
- 12.C.Sivasankaran
- 13.K.M.Maniraj
- 14.S.Raju
- 15.G.Senthilkumar
- 16.C.Vijayabaskar
- 17.K.Balusamy
- 18.P.Kaliappan
- 19.S.Kumaresan
- 20.G.Prabhu
- 21.T.Rajendran
- 22.R.Perundurai Murugan
- 23.M.Visvakumar
- 24.P.Ramakrishnan
- 25.N.Panchalingam
- 26.A.Prasannavenkatesh



W.P.No.3973 of 2021

- 27.C.Murugaiyan
28.E.Samson
29.T.Panneer Selvam
30.P.Rajendran
31.S.Saravana Prabhu
32.Dr.T.Kannan
33.N.Somasundaram
34.K.Sivakumar
35.B.Manikandan
36.R.Baranitharan
37.D.Saravanakumar
38.B.Jayashankar
39.A.V.Srinivasan
40.D.Babu Rajendra Bose
41.R.K.Parthasarathy
42.J.Elavarasan
43.J.Vetri Selvan
44.M.Kumar
45.S.Vijayan
46.S.Vinayagam
47.D.Thangaraj
48.S.Kumaravel
49.N.Velmurugan
50.M.Arul Pragash
51.J.George Miller Ponraj
52.M.Kalayanaraman
53.A.Saravanan
54.K.Nivasan
55.R.Palani
56.R.Gerald Robinson
57.P.Venkatachalam
58.B.Jawahar
59.D.Robin Gnanasingh
60.S.Vijayakumar
61.E.Lyidtgzen
62.R.Boominathan
63.K.T.Rajan Babu
64.M.Krishnamoorthy



W.P.No.3973 of 2021

65.P.Chandra Mohan
66.B.Kumar
67.C.Senthilkumar
68.R.Arunprasad
69.P.Mariappan
70.R.Alagukannan
71.S.Saravanadevendran

... 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.M.R.Manjula
4.G.Pushpalatha
5.A.Vendamathi
6.S. Rekha
7.K. Manjula
8.V. Senthil Vadivu
9.G.S.Tamizharasi
10.S. Lakshmi
11.A. Naseema
12.S. Manjula
13.Priyadharshini
14.S. Rajkumar
15.S. Selvakumar
16.Clastin David
17.G. Chandru
18.K. Pugazhendhi
19.K. Deepak Kumar
20.J. Shivakumar
21.T. Govindaraj
22.N. Sivakumar
23.M. Mohamed Barakathulla
24.P. Palani



W.P.No.3973 of 2021

- 25.E. Velu
26.L. Chitra
27.S. Loganathan
28.P. Deepa
29.P. Srinivasan
30.N. K. Vanitha
31.N. Selvin Santhakumari
32.R. Silambuchelvan
33.K. Devaraj
34.A. Mukesh Rao
35.M. Ravi
36.R. Manogaran
37.S. Sreemathy
38.S. Sasikala
39.K. Settu
40.S. Kannippan
41.P. Kamala Kannan
42.C. Ratnavel Pandian
43.A. Kannan
44.M. Saathuramesh
45.M. Mohamed Idris
46.G. Alagar
47.S. Jasmine Mumtaj
48.S. Kamali
49.S. Vasumathi
50.S. Ramalakshmi
51.B. Senthilkumar
52.M. Senthilkumaran
53.M. Muthu
54.P. Muruganandam
55.K. Amutha
56.S. Rajasekar
57.C. Vellaiappan
58.I.Paul Yesu Dhasan
59.S. Rajadurai
60.K. Kumaraguru
61.P. Rajesh Khanna
62.A. Ramraj



W.P.No.3973 of 2021

- 63.M. Nagalakshmi
64.R. Jeyachandran
65.K. Adivel
66.I. Rajesh
67.M.Kannan
68.P. Jeen Kumar
69.TMT. M.Naga Kumari
70.TMT. S. Indira
71.TMT. S. Velkani
72.TMT. S. Angayar Kanni
73.M. Elavarasu
74.M. Chandran
75.P. Mariappan
76.S. Suresh Kumar
77.B.Kavitha
78.P.Jagadeesan
79.S.Jayaraman
80.R.Rajkumar
81.Raadhu Raji
82.B. Jackulin
83.V. Venkatachalam
84.B. Victor
85.V. Udayachandran
86.G. Kosalai Raman
87.P. Padmavathi
88.K. Chandra
89.M. Jayanthi
90.M. Latha
91.N. Muthukumar
92.M. Saravanan
93.S. Nagarathinam
94.P. Sharmila
95.P. Jagatheeswaran
96.B. Manivel
97.V. Jagadeesan
98.B. Ramesh
(R3 to R98 impleaded vide order dt.11.07.2022
made in W.M.P.No.15840 of 2021)

... Respondents



W.P.No.3973 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 2nd 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 2nd respondent to retain the seniority list of the petitioners' dated 06.07.2009.

For Petitioners : Mr. S.Prabakaran, Senior Counsel,
for Mr.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 R98)

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 2nd 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.3973 of 2021

WEB COPY

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.3973 of 2021

WEB COPY

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



WEB COPY



W.P.No.3973 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.3973 of 2021

WEB COPY

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.3973 of 2021

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
klt

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.



WEB COPY



W.P.No.3973 of 2021

J.SATHYA NARAYANA PRASAD,J.

klt

W.P.No.3973 of 2021
and
W.M.P.Nos.4535, 4539 & 4540 of 2021

24.07.2023