



WEB COPY



W.P. Nos. 4998 and 4999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 4998 and 4999 of 2023

and

W.M.P. Nos. 5019, 5020, 5025 and 5026 of 2023

W.P. No. 4998 of 2023

E. Karthikeyan

... Petitioner

-VS-

1.The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Home (Pol.2) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai – 600 003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the respondents to issue appointment order to the petitioner to the post of Deputy Superintendent of Police (Category-1) based on the selection order issued by the 2nd respondent in Memo No.6543/OTD-B1/2017 dated 20.10.2021, with consequential order for institutional training commencing from 01.03.2023, in consideration of the representation submitted by the petitioner.



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WEB

R. Appash

... Petitioner

-VS-

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Rep. By its Additional Chief Secretary to Government,
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For Petitioners
in both W.Ps : Mr. G.Sankaran
for Mr. J.Jayamalan

For Respondents
in both W.Ps : Mr. B.Vijay
Additional Government Pleader - for R1

: Mr. I. Abrar Mohammed Abdullah - for R2



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COMMON ORDER

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Heard Mr. G.Sankaran, Learned Counsel for the Petitioners, Mr. B.Vijay, Learned Additional Government Pleader appearing for the First Respondent and Mr. I. Abrar Mohammed Abdullah, Learned Counsel appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners had made applications in the recruitment for the post included in Combined Civil Services-I Examination (Group-I Services) for the year 2016-2019 and their names had been included in the reserve list in furtherance to the Notification No. 01/2019 dated 01.01.2019 issued by the Second Respondent.

3. Since two of the selected candidates, viz., S.Sangeetha and L.D.Vivekkannan were relieved at their request as they had intended to join the Indian Defence Accounts Service (P) and the Indian Civil Accounts Service (P) respectively through the Union Public Service Commission, the Petitioners were provisionally considered for appointment in the post of Deputy Superintendent of Police (Category-1) in the supplemental counselling held on 20.10.2021.



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However, as the Petitioners had not been issued any appointment orders, they have filed these Writ Petitions seeking directions in that regard.

4. The First Respondent has filed common Counter-Affidavit dated 29.03.2023 explaining that subsequently on 02.12.2021 and 23.11.2021, the said S.Sangeetha and L.D.Vivekkannan respectively had expressed their willingness to re-join duty in the post of Deputy Superintendent of Police (Category-I) exercising right of lien in service under Section 14 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, and that the Government of Tamil Nadu by G.O. (Ms). No. 64, Home (Police.2) Department, dated 14.02.2023 has allowed the same.

5. In such circumstances, as it is not possible to grant the relief sought by the Petitioners in these Writ Petitions, Learned Senior Counsel for the Petitioners seeks permission of the Court to withdraw these Writ Petitions reserving the right of the Petitioners to challenge G.O. (Ms). No. 64, Home (Police.2) Department, dated 14.02.2023 issued by the Government of Tamil Nadu allowing the said S.Sangeetha and L.D.Vivekkannan to re-join duty in the post of Deputy Superintendent of Police (Category-1) in appropriate legal proceedings, and Learned Counsel for the Petitioners has also made an



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endorsement to that effect in the court record.

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In the result, these Writ Petitions are dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

29.03.2023

Index : Yes/No

sgl/skr

Note: Issue order copy by 31.07.2023.

To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home (Pol.2) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
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P.D. AUDIKESAVALU, J.

sgl/skr

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