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W.P. No. 8981 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

W.P. No. 8981 of 2023

S.Parthiban

... Petitioner

-VS-

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Police-IX) Department,
Secretariat,
Chennai – 600 005.

2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

... 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 consider the representation of the Petitioner dated 25.06.2021 and to grant retrospective seniority to the Petitioner from 18.05.1993 when their batch mates. Mr. Sivam and 10 others were appointed vide Na. Ka. No. 182/91147/R&D(3)/93 dated 02.09.1993 without backwages and arrears of salary by way of notional seniority on par with their above batch mates within time frame.

For Petitioner : Mr. K.Muthamil Raja

For Respondents : Mr. K.Karthick Jeganath,
Government Advocate



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ORDER

WEB COPY Heard Mr. K.Muthamil Raja, Learned Counsel for the Petitioner and Mr. K.Karthick Jeganath, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 25.06.2021 to the Second Respondent to grant retrospective seniority to him from 18.05.1993, when their batchmates were appointed, by way of notional seniority on par with them without backwages and arrears of salary, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 25.06.2021 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment; and
- (v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

17.04.2023

vjt

Index: Yes/No

NCS: Yes/No

Note: Issue order copy by 05.06.2023.



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To

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1. The Secretary to Government of Tamil Nadu,
Home (Police-IX) Department,
Secretariat,
Chennai – 600 005.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

vjt

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