



W.P.No.9024 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.9024 of 2023

and

W.M.P.No.9153 of 2023

K. Naresh

.. Petitioner

Vs.

1. The Director General of Police,
Tamilnadu Police Department,
Kamarajar Salai, Kailasapuram,
Mylapore, Chennai -4

2. The Superintendent of Police,
Thiruvavur, Thiruvavur.

.. Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of

India to issue a writ of Certiorarified Mandamus calling for the records of the second respondent in connection with his proceedings in Na.Ka.No.A3/16275/2021 dated 03.11.2021 and quash the same as illegal and arbitrary and consequently direct the respondents to fix the petitioner's seniority on par with petitioner's batch mates in the year 2012-2013 within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.M. Pandian



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For Respondents

: Mr.B. Vijay

Additional Government Pleader

ORDER

This writ petition is filed to issue a writ of Certiorarified Mandamus calling for the records of the second respondent in connection with his proceedings in Na.Ka.No.A3/16275/2021 dated 03.11.2021 and quash the same as illegal and arbitrary and consequently direct the respondents to fix the petitioner's seniority on par with petitioner's batch mates in the year 2012-2013.

2. The learned Additional Government Pleade takes notice for the respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3.The case of the petitioner is that the petitioner applied for the post of Grade-II Police constable in the year 2012 -2013 and he was selected. Thereafter on medical examination it was found that the



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petitioner has eye problem and he was referred to medical examination and finally the medical board concluded that the said eye problem will not hinder in the functioning of Grade -II Police Constable. Hence the petitioner was belatedly appointed as Commandant of Tamilnadu Special Police-II Battalion on 05.10.2015. The grievance of the petitioner is that on person by name M.Valaiselvan, Grade II Pc-2017, Armed Reserve, has got a favourable order regarding the revision of seniority on par with his batch mates appointed in the year 2006 passed by the first respondent vide proceedings in C.No.3362/Rect1(2)/2016, dated 11.11.2016 and the same benefit may be extended to him. Hence the petitioner made a representation on 19.07.2021 to revise his seniority on par with his batch mates recruited in 2012-2013 and the said request was rejected .Hence this petition.

4. The learned counsel appearing for the petitioner submitted that there was a delay in receiving the appointment order by the petitioner due to the medical examination, if not the seniority of the petitioner will be maintained with his batch mates recruited in the year 2012- 2013. Hence he prays this Court to revise his seniority with his batch mates by way of



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allowing this writ petition.

5. The learned Additional Government Advocate appearing on behalf of the respondent submitted that the petitioner was appointed on 05.10.2016 and he submitted his representation to revise his seniority on 19.07.2021 after a lapse of 5 years, whereas time limit prescribed to submit the representation is within a period of 3 years from the date of appointment.

6. For better understanding it is necessary to extract the relevant service rules pertaining to this case

Section 35(f) of The Tamil Nadu State and Subordinate Service Rules and Section 40 (6) Tamil Nadu Government Servants (Conditions of Service) Act, 2016 are similar and the same is extracted hereunder:

Application for revision of seniority of a person in a service class, category or grade shall be submitted to the appointing authority within a period of three years from the date of appointment



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to such service, class, category or grade or within a period of three years from the date of order fixing the seniority, as the case may be. Any application received after the said period of three years shall be summarily rejected. This shall not, however be applicable to case of rectifying orders resulting from mistake of facts.

7. On going through the above submission it is made clear that the petitioner ought to have submitted his representation within a period of 3 years and the same has not been done by the petitioner. Hence the prayer sought for by the petitioner cannot be granted by this Court and this writ petition deserves to be dismissed. Accordingly this writ petition is dismissed. No costs. Consequently the connected miscellaneous petition is closed.

24.03.2023

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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To

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Kamarajar Salai, Kailasapuram,
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2. The Superintendent of Police,
Thiruvavur, Thiruvavur.
3. The Section Officer, V.R.Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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