



W.P.Nos.4807 to 4817 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.4807 to 4817 of 2015
and W.M.P.Nos.20668, 20671, 20672, 20674, 20675, 20678,
20680, 20681, 20682, 20683 and 20686 of 2020

W.P.No.4807 of 2015 :-

M.Parimal Priya

...Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Home (Police) Department,
Secretariat, Chennai – 600 009.
2. The Director General of Police,
Law and Order,
Police Head Quarters,
Mylapore, Chennai – 600 004.
3. The Deputy Inspector General of Police (TS),
Technical Services,
Mylapore, Chennai -600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to pass appropriate orders to fix the seniority of the petitioner on par with her batch mates of Sub Inspector of Police (Technical) who were



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recruited on 26.08.2001, in the light of the judgment dated 21.04.2009 in W.A.No.211 of 2009 of the Division Bench of this Court which was implemented in Government Order in G.O.(D).No.665, Home (Police B-3) Department, dated 28.07.2009 and to grant her all consequential benefits including the benefits of Tamil Nadu Pension Rules, in the light of her representation dated 19.11.2014.

In all W.Ps.

For Petitioners : No appearance

For Respondents : Mr.S.Silambannan
Additional Advocate General
Assisted by
Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

All these writ petitions have been filed to direct the first respondent to pass appropriate orders to fix the seniority of the petitioners on par with their batch mates of Sub Inspector of Police (Technical), in the light of the judgment dated 21.04.2009 in W.A.No.211 of 2009 of the Division Bench of this Court which was implemented in Government Order in G.O.(D).No.665, Home (Police B-3) Department, dated 28.07.2009 and to grant all consequential benefits including the benefits of Tamil Nadu Pension Rules, in the light of their representation.



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2. The petitioners state that they participated in the process of selection for appointment to the post of Sub-Inspector of Police (Technical), pursuant to the notification issued by the Tamil Nadu Uniformed Services Recruitment Board in the year 1999-2000. The petitioners were successful in the written examination and during the medical test, they were referred to the board for examination of their eye sight. Though some of them were not selected, thereafter they were referred for examination through second Medical Board and after submission of the medical report from the Medical Board, they joined as Sub-Inspector (Technical) on different dates during the year 2004.

3. Thus, the petitioners had not joined in the year 2001 along with the other persons, who were recruited pursuant to the notification of the year 1999-2000. Since there was a delay of there years in joining and the probation of the petitioners was declared in the year 2006, their seniority was fixed based on their date of joining in the post of Sub-Inspector of Police (Technical). Therefore, the petitioners filed the present writ petitions to fix their seniority on par with their batch mates of the Sub Inspector of Police (Technical).

4. The contention of the petitioners is that they participated in



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the process of selection conducted during the year 2000 and they were selected. The delay caused was not at the instance of the petitioners, but due to the medical examination and thus, the seniority of the petitioners has to be restored on par with their batch mates and they should be promoted to the post of Inspector of Police (Technical) with retrospective effect.

5. It is further contended that the Government, in implementation of the order passed by the Division Bench of this Court in W.A.No.211 of 2009, issued orders in G.O.(D) No.665, Home (Police B-3) Department, dated 28.07.2009, restoring the seniority of one R.Mathan with effect from the year 1994-1995 along with his batch mates. Thus, the same relief has to be extended in the case of the petitioners.

6. The learned Additional Advocate General appearing for the respondents, relying on the counter affidavit, made a submission that the appointment orders for the writ petitioners were issued in proceedings dated 02.09.2004 and the petitioners were deputed for basic training in the Police Training College, Chennai for a period of six months. The



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training commenced on 15.09.2004 and after completing of the basic training, the petitioners were posted various districts in the available vacancies.

7. Some of the petitioners had not completed their medical examination due to their eye sight problem and police verification within the prescribed time. Thus, the petitioners were not selected to the commencement of the training i.e. 26.08.2001. In the Adhoc Rules issued in G.O.Ms.No.53, Home (Police-IX) Department, dated 18.01.1999, in paragraph 6, it is stated that "every person appointed to the post of Sub Inspector (Technical), shall from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years". In view of the fact that the petitioners were appointed only in proceedings dated 02.09.2004 and sent for training on 15.09.2004 and thereafter, their probation was declared on completion of two years of service, their seniority was fixed based on the date of appointment as per the Rules in force.

8. Regarding the claim of the petitioners for retrospective revision of seniority on par with their batch mates, the respondents have stated in the counter affidavit as follows:-



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"A clarification has been sought from the Director General of Police, Tamil Nadu, Chennai regarding the fixation of seniority in the category of Sub Inspector (Technical) who had undergone training in one batch in letter No.A4/24279/1997 dated 21/02/2002 for fixing the seniority of newly recruited Sub Inspector (Technical) in this branch on 26/08/2001. In this regard, the Director General of Police forwarded the letters to the Government and request to fix their seniority. Finally Government have issued the direction "to fixation of seniority of Sub Inspector (Technical) based on the marks obtained in the final examination conducted at Police Training College on the conclusion of basic training". The Director General of Tamil Nadu communicated the Government letter to the Deputy Inspector General of Police, Technical Services with instruction "to fix the seniority in respect of directly recruited Sub Inspector (Technical) based on the marks obtained by them in the final examination conducted at Police Training College on the conclusion of basic training vide memorandum in Rc.No. 45696/Rect. II (2)/2002 dated 13/12/2006. Based on the Institutions of the Government and Director General of Police, Tamil Nadu, the Deputy General of Police, Technical



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Services (i.e. third respondent) has fixed the inter-se-seniority and published the same vide proceedings in Rc.No. A3/24279/1997 dated 13/02/2007. The first batch of Sub Inspectors (Technical) had attended final examination conducted at Police Training College during the month and year of February 2002. The second batch had attended final examination at Police Training College during the month and year of March 2005 (i.e., after completion of three years). They had attended the final examination in different months and years. Hence, it is informed that all the above Sub Inspectors (Technical) were recruited for the year 1999- 2000. But they were sent for training in different batches and they had attended different final examination at Police Training College, Chennai. Their question papers are different one, not in one and the same. In the Adhoc Rules issued in G.O.Ms.No.53, Home (Police-IX) Department, dated 18.01.1999, in paragraph 6, it is stated that "every person appointed to the post of Sub-Inspector (Technical), shall from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years". As per Adhoc Rules the petitioners joined the only on 15/09/2004 FN not in the first batch appointment dated 26/08/2001. Hence, the Deputy



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Inspector General of Police, Technical Services, had made the fixation of the inter-se-seniority and published. Due to the above reasons the petitioners argument is not substantiated."

9. In view of the fact that the petitioners were selected and appointed only through proceedings dated 02.09.2004 and thereafter completed their training period and the period of probation, their seniority was fixed as per the Adhoc Rules applicable to the post of Sub-Inspector of Police (Technical) in G.O.Ms.No.53, Home (Police-IX) Department, dated 18.01.1999. Pertinently, the post of Sub-Inspector of Police (Technical) is governed by the Adhoc Rules issued in the said Government Order and the other Rules are not applicable to the post of Sub-Inspector. Thus, there is no infirmity in respect of the seniority fixed by the department.

10. Beyond the above facts, the petitioners were appointed in the year 2004 and completed their training and thereafter the probation. They filed the present Writ Petitions in the year 2015 and their seniority was fixed during the relevant point of time based on their appointment and



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during the said period, the petitioners have not pursued the matter for re-fixation of seniority. Further, the petitioners were not able to establish that they are entitled for fixation of seniority, as they were appointed in the year 2004 and not appointed along with other persons, who were recruited in the year 1999-2000. Thus, there is no infirmity in respect of the seniority fixed based on the appointment of the petitioners and now the settled seniority cannot be unsettled, after a lapse of many years.

11. With the above observations, all the Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

25.07.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

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To

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