



WEB COPY



W.P.No.23708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23708 of 2023

P.Irulandi

... Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai 4.

2.The Superintendent of Police,
Dindigul District,
Dindigul.

3.The Superintendent of Police,
Tirupur District,
Tirupur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 18.10.2022 in Na.Ka. No. A4/ 2632970/ 2022 passed by the 3rd respondent and quash the same and consequently to direct the respondents to include petitioner's name in the seniority list of the batch 2012 to 2013 within a stipulated period as framed by this Court.



W.P.No.23708 of 2023

For Petitioner : M/s.G.S.Deepa
For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of the 3rd respondent, dated 18.10.2022, rejecting the request of the petitioner to include the petitioner's name in the seniority list of the batch 2012-2013.

2.It is the case of the petitioner that he was selected as Grade-II Police Constable in the year 2012-2013. Since at the relevant point of time, a criminal case was pending against the petitioner, he was not given posting orders. Thereafter, the petitioner filed a writ petition in W.P.(MD) No.5137 of 2013 and pursuant to the orders of this Court in the said writ petition, appointment was given to the petitioner by appointment order dated 14.10.2014. The petitioner joined services on 05.10.2015 as Grade-II Police Constable. Thereafter, he was posted to various places and finally, now he is posted at Palladam Police Station. While so, the petitioner made an application on 25.04.2022, requesting the respondents to revise his seniority on par with his batch mates of the year 2012-2013.

However, the 3rd respondent, by the impugned order dated 18.10.2022,



W.P.No.23708 of 2023

rejected the request of the petitioner. Challenging the same, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader, who takes notice for the respondents.

4.On a perusal of the impugned order, it is relevant to note that the petitioner has joined duty on 05.10.2015, however, he has submitted his application for revision of seniority only on 25.04.2022, which is against Sub-Clause (6) of Section 40 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Section 40(6) of the said Act reads as follows :

“40. ... (6) Application for the 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 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 cases of rectifying orders, resulting from



W.P.No.23708 of 2023

mistake of facts.”

The above clause makes it clear that the application for revision of seniority of a person shall be submitted to the appointing authority within three years from the date of appointment 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; and any application received after the said period of three years shall be summarily rejected; however, the same shall not be applicable to the case of rectifying orders, resulting from mistake of facts. The petitioner has joined the services in the year 2015, but has given his application for revision of seniority only in the year 2022, which is beyond the period of three years. Therefore, if the petitioner's request is now accepted after this length of time, it may lead to upsetting the complete seniority list already prepared for the entire batch of the year 2012-2013. When the Statute prescribes a particular time limit, having failed to exhaust the remedy within time, now, the petitioner cannot seek revision of seniority beyond the prescribed period.



W.P.No.23708 of 2023

5. Therefore I do not find any merit in this writ petition.

WEB CO Accordingly, this writ petition is dismissed. No costs.

11.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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W.P.No.23708 of 2023

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W.P.No.23708 of 2023

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