



W.P.(MD).No.590 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.590 of 2016

and

W.M.P.(MD).Nos.478 and 479 of 2016

P.Sam Raj

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Chairman,
Panchayat Union,
Thiruvattur,
Kanyakumari District.

3.The Block Development Officer / Commissioner,
Panchayat Union,
Thiruvattur,
Kanyakumari District.

4.C.Joni

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent proceedings in Na.Ka.No.A1/644/2015 dated 28.12.2015 and quash the same as illegal and consequently appoint the petitioner in the post of Night Watchman.

For Petitioner : Mr.S.Xaiver Rajini

For R-1 : Mr.M.Lingadurai,
Special Government Pleader.

For R-2 and R-3 : Mr.T.S.Mohamed Mohideen

For R-4 : Mr.S.D.Anbarasu

ORDER

This Writ Petition is filed to quash the order dated 28.12.2015 and consequently appoint the petitioner in the post of Night Watchman.

2. The petitioner has challenged the appointment of the fourth respondent to the post of Night Watchman. The contention of the petitioner is that being a ex-service man, he comes under the priority category. However, the said contention was refuted by the respondents by stating that the petitioner has served only in CRPF, so he cannot be considered as Ex-service man.



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3. The petitioner has challenged the recruitment process which is conducted in the year 2015 and the Writ Petition is filed in the year 2016. It is seen at the time of the filing of this Writ Petition, the petitioner was 52 years of age and now the petitioner is 60 years. Due to efflux of time, the petitioner's claim cannot be considered.

4. It is seen recently the Central Government has taken a policy decision to consider CRPF and other paramilitary forces to be on par with ex-service man only to grant benefits, without categorizing them as “ex-service man”. Therefore, this Court is not inclined to answer the plea raised by the petitioner and the question is left open.

5. For the reasons stated above, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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