



W.P.No.425 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2024

Coram:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.425 of 2020

A.Gunanathan (SSI-Retrd)
S/o.J.Amirthavasagam,
No.5/76A, Pongiammal Street,
Rathinapuri,
Coimbatore – 641 027.

... Petitioner

-VS-

1. The Government of Tamil Nadu,
Rep. by its Secretary to Home Department,
Fort St.George,
Chennai – 600 009.

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

3. The Commissioner of Police,
Coimbatore City, Coimbatore.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in



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G.O.(D).No.443, Home (Police-III) Department dated 02.05.2019 and quash the same and consequently direct the 1st and 2nd respondents to revise and regularize the service seniority and give the further promotion to the post of Sub-Inspector of Police from the year 2003 with monetary benefits to the petitioner as per the implementation of identical matters passed in a proceedings in C.No.A1/12265/2013/R.O.O.No.141/2015, dated 27.03.2015 passed by the Deputy Inspector General of Police, Tirunelveli.

For Petitioner : Ms.S.Deepasree

For Respondents : Mr.R.Neethiperumal,
Govt.Advocate

ORDER

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in G.O.(D).No.443, Home (Police-III) Department dated 02.05.2019 and quash the same and consequently direct the 1st and 2nd respondents to revise and regularize the service seniority and give further promotion to the post of Sub-Inspector of Police from the year 2003 with monetary benefits to the petitioner as per the implementation of identical matters passed in a proceedings in C.No.A1/12265/2013/R.O.O.No.141/2015, dated 27.03.2015 passed by the Deputy Inspector General of Police, Tirunelveli.



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2. Heard Ms.S.Deepasree, the learned counsel appearing for the petitioner and Mr.R.Neethiperumal, the learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner submitted that the similar such issue has already been dealt by this Court in W.P.(MD) No.17111 of 2019 dated 02.03.2022 and hence the issue has already been covered.

4. The order of this Court passed in W.P.(MD) No.17111 of 2019 dated 02.03.2022, is extracted as below:

“The grievance of the writ petition about fixation of seniority for the post of Special Sub Inspector.

2.The issues raised by the petitioner regarding the fixation of seniority was denied and the Hon'ble Division Bench of Madurai Bench of Madras High Court, passed an order on 22.03.2017 in Rev.Aplc (MD)Nos.72 of 2015 etc batch. The case of the writ petitioner was considered based on the judgment passed by the Hon'ble Division Bench of this Court. However, the petitioner made a submission that the said order has been taken by way of Special Leave



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Petition before the Hon'ble Supreme Court in SLP No.6986 of 2018 and now it is subjected before the Hon'ble Apex Court of India.

3.However, this Court is of the opinion that in the event of disposal of the Special Leave Petition by the Hon'ble Supreme Court of India, if any benefit is granted, therefore, the petitioner is at liberty to claim the same based on the judgment to be passed by the Hon'ble Supreme Court of India.

4.With these observations, this writ petition is disposed of. No costs."

5. Since the above judgment is squarely applicable to the case in hand, I feel it is appropriate to grant the same relief to this petitioner also.

6. In the result, this Writ Petition is disposed and the petitioner is at liberty to claim the same based on the judgment to be passed by the Hon'ble Supreme Court of India. No costs.

10.01.2024

Index:yes/no

Neutral Citation:yes/no

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To:

1. The Secretary to Home Department,
The Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai – 600 004.
3. The Commissioner of Police,
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R.N.MANJULA,J.
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