



WEB COPY



W.A.No.158 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.158 of 2022

V.Jayakumar

... Appellant/Petitioner

-VS-

1. The Director General of Police (L&O),
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2. The Commissioner of Police,
Greater Chennai,
Veppery, Chennai – 600 028.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 06.10.2020 made in W.P.No.13983 of 2020 and allow the Writ Petition.

For Appellant : Mr.M.Gnanasekar

For Respondents : Mr.C.Kathiravan
Spl. Govt. Pleader

J U D G M E N T

(By D.Krishnakumar,J.,)

This Writ Appeal has been filed, challenging the order of the learned Single Judge dated 06.10.2020 made in W.P.No.13983 of 2020, by which the Writ Petition



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filed by the Writ Petitioner/Appellant herein, was dismissed on the ground of delay and laches.

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2. The brief facts in nutshell are that the Writ Petitioner / Appellant herein had participated to compete for the post of Grade-II Police Constable for the year 2003-2004, which was conducted by the Tamil Nadu Uniformed Service Recruitment Board. Though he was successful in the selection process, he was not sent for training along with his batch mates, which had resulted in the Appellant filing a Writ Petition in W.P.No.23239 of 2006 and the same was allowed on 07.08.2006. In response to the direction of this Court, an appointment order was issued to the Appellant as early as on 27.09.2006 and he was posted in the Armed Reserve Wing in the year 2008 and thereafter, transferred to Law and Order Wing in 2010.

3. The appellant submitted that he had submitted a representation dated 20.02.2020 for reckoning correct seniority on par with his batch mates and since the said representation did not evoke any response, he filed a Writ Petition and the order dated 06.10.2020 passed therein, rejecting the claim of the appellant to unsettle the seniority issue, is impugned in this Writ Appeal.



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4. The order of the learned Single Judge has been assailed on the ground that though the seniority of similarly placed persons was restored by duly placing them on par with their batch mates, the appellant has been singled out and thus, there is a discrimination on the part of the respondents in not considering the case of the appellant for restoration of his seniority. Due to the fault of the respondents in not maintaining the correct seniority, the appellant has been made to suffer, thereby causing much hardship to him. Hence, it was pleaded that the order of the learned Single Judge, dismissing the Writ Petition on the ground of delay needs to be interfered with in the interest of justice.

5. Per contra, learned Special Government Pleader appearing for the respondents contended that the appellant was appointed to the post of Grade-II Police Constable on 27.09.2006 and since then, he did not evince any interest in approaching the concerned authority for revising the seniority list and placing him on par with his batch mates. He further contended that on one fine morning, that too after a lapse of 14 years he woke up from slumber and submitted a representation for restoration of his seniority, which is not permissible so as to unsettle the settled seniority list. Therefore, the learned Single Judge rightly dismissed the Writ Petition on the ground of laches and the said orders does not warrant any interference by this Court.



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6. It is not in dispute that the appellant was inducted into service as Grade-II Police Constable on 27.09.2006 and thereafter, he had forwarded a representation in the year 2020 with a request to place him in the correct seniority on par with his batch mates. Since there was no decision taken on the representation, he has invoked the writ jurisdiction, seeking necessary direction to the respondents in this regard. The learned Single Judge, after looking into various aspects, refused to grant the relief to the appellant, stating that he had approached the Court belatedly.

7. It is seen that though the Writ Petitioner / Appellant herein sought for a mandamus before the Writ Court for consideration of his representation dated 20.02.2020, the seniority list drawn by the respondents was not put to challenge at any point of time, in the absence of which, mere grant of relief in respect of consideration of his representation will not yield any fruitful results, as it may pave way to multiplicity of proceedings. Thus, in our view the order of the learned Single Judge is perfectly justifiable and there is no need to interfere with the same.

8. Accordingly, this Writ Appeal stands dismissed. It is made clear that this order will stand in the way of the respondents in considering the request of the



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appellant, if otherwise permissible under law and take an appropriate decision in respect of restoration of the seniority of the appellant. No costs.

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[D.K.K., J.,]

[K.B., J]

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Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

1. The Director General of Police (L&O),
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Mylapore, Chennai – 600 004.
2. The Commissioner of Police,
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