



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2385 of 2021

P.Balachandran

...

Petitioner

versus

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 Police,
Coimbatore.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to revise and regularize the service seniority and give the further promotion to the post of Sub Inspector of Police with monetary benefits as per the implementation of identical matters passed proceedings in R.C.No.162232/ NGBIV(2)/2009 dated 15.10.2009 passed by the 3rd respondent and C.No.A1/12265/2013 R.O.O.No.141/2015 dated 27.03.2015 passed by the Deputy Inspector General of Police, Tirunelveli Range and R.C.No.128656/NGB.V(2)/2011 dated 17.02.2016 passed by the 3rd respondent.



For Petitioner : Mr.S.Anbazhagan
for Mr.A.Rajaram

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

The petitioner has filed this petition seeking a writ of mandamus, directing the respondents to regularise the seniority and also to give promotion to the post of Sub Inspector of Police with monetary benefits.

2. Heard Mr.S.Anbazhagan, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the respondents and perused the materials available on record.

3. The petitioner was recruited as Grade-II Constable and got his promotion to the post of Head Constable on 12.05.1999 and thereafter, he went on Voluntary Retirement on 31.05.2006. The petitioner's batchmates viz. Nagarajan and Balasubramanian were appointed as Grade-II PC in the year 1982 had filed Writ Petitions in W.P.No.317 of 2010 and W.P.No.413



of 2010 on certain grievances and obtained an order to restore their seniority from the date of their appointment. The petitioner is also similarly placed person and hence, he has filed this Writ Petition seeking the very same prayer.

4. Mr.K.H.Ravikumar, learned Government Advocate for the respondents submitted that the petitioner has already filed a Writ Petition in W.P.No.26877 of 2012 and in which, an order has been passed on 04.10.2012. According to the said order, the representation of the petitioner dated 12.09.2012 was considered and his claim for promotion was rejected.

5. The petitioner has not challenged the above said order but he has filed a simple writ of mandamus. It is seen that Nagarajan and Balasubramanian are serving in another Range and hence, the petitioner cannot claim seniority basing on the other Range. The petitioner services were upgraded in the cadre of Head Constable on Coimbatore City Seniority.



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6. The petitioner did not express any willingness to participate in the written test held during the selection for the year 2005 and hence, he cannot turn around now and claim promotion on par with his juniors. The petitioner had already retired from service on 31.05.2006 through Voluntary Retirement and after 15 years, the petitioner has filed this Writ Petition as an afterthought. Hence, I do not find any merits to consider the prayer of the petitioner favourably.

In the result, this Writ Petition is **dismissed**. No costs.

19.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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