



REV.APLW.No.228 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

REV.APLW.No.228 of 2023

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Home (Police.1A) Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Director General of Police (Tamil Nadu),
Mylapore,
Chennai – 600 004.

... Petitioners

Vs.

1.P.Stephen
Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Virudhunagar District.

2.M.Chandrasekaran,
Additional Deputy Commissioner of Police,
Crimes against Women and Children,
Salem City, Salem.

3.The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, TNPSC Road,
Park Town, Chennai – 600 003.



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(*R4 impleaded as per order dated 27.11.2023 in W.M.P.No.25694 of 2023 in Rev.Aplw.Sr.No.17609 of 2023 in W.P.No.8654 of 2020)

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4.A.Yakkoob,

Additional Superintendent of Police/Security Officer,
Chennai Metro Rail Limited, Anna Salai,
Nandanam, Chennai – 600 035.

...Respondents

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of Code of Civil Procedure, to review the order with respect to paragraph Nos.80 and 82 (iii) of the order dated 02.12.2020 in W.P.No.8654 of 2020 on the file of this Hon'ble Court.

For Petitioners : Mr.P.Kumaresan
Additional Advocate General assisted by
Mr.S.P.Karthik
Government Advocate

For Respondents

R1 : Mr.G.Sankaran
Senior Counsel
R4 : Mr.Balan Haridas.

ORDER

This Review application is filed seeking review of the order passed by this Court in W.P.Nos.24461 of 2013 and batch cases dated 02.12.2020 wherein the learned Single Judge of this Court allowed the said writ petitions by quashing the amendment made to Special Rules for Tamil Nadu Police Subordinate Service.



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2. The present review application is filed by the petitioner/State of Tamil Nadu on the ground that the said order in W.P.Nos.24461 of 2013 dated 02.12.2020 was passed without noticing the order passed by another learned Single Judge of this Court in W.P.Nos.10290 & 12725 of 2009 dated 31.10.2009.

3. It is further contended by Mr.P.Kumaresan, the Additional Advocate General appearing for the petitioner that in case if the orders in W.P.No.24461 of 2013 and batch is to be given effect to, the same would amount to violating the order passed in W.P.Nos.10290 & 12725 of 2009. The said W.P.Nos.10290 & 12725 of 2009 were filed by one M.Chandrasekaran, wherein, this Court declared that the said Chandrasekaran was justified in his claim that he shall be elevated to the post of Deputy Superintendent of Police and further directed for consideration of his case.

4. According to the learned Additional Advocate General, the case of Chandrasekaran was considered and he was promoted to the post of



Deputy Superintendent of Police pursuant to the order passed in W.P.Nos.10290 and 12725 of 2009 and if the order passed in W.P.No.24461 of 2013 and batch is implemented, the said Chandrasekaran is required to be reverted. Hence, he seeks review of the order passed in W.P.No.24461 of 2013 and batch.

5. This Court is unable to agree with the contention of the learned Additional Advocate General, though the said Chandrasekaran is a party to the order passed in W.P.No.24461 of 2013 and batch dated 02.12.2020, for the reasons best known to him, he failed to bring it to the notice of the learned Single Judge while disposing of the above said batch of writ petitions about the order passed in W.P.Nos.10290 & 12725 of 2009 dated 30.10.2009. Even after the disposal of the batch of writ petitions in W.P.No.24461 of 2013 by an order dated 02.12.2020, the said Chandrasekaran has accepted the order and no appeal has been preferred by him as on date. In the absence of any grievance by the said Chandrasekaran and in the absence of any contest against the order dated 02.12.2020 passed in W.P.No.24461 of 2013 and batch, the petitioner/State of Tamil Nadu cannot be said to be a person



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aggrieved by the order dated 02.12.2020 passed in W.P.No.24461 of 2013
and batch.

6. Hence, this Court is not inclined to entertain the review petition
filed by the State of Tamil Nadu and accordingly, this review application is
dismissed. No costs.

02.04.2024
(¹/₂)

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, TNPSC Road,
Park Town, Chennai – 600 003.



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MUMMINENI SUDHEER KUMAR,J.

dpa

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