



*W.P.Nos.11375 of 2022 etc.*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.11375, 11378, 11381, 15807, 15812 & 15963 of 2022  
and W.M.P.Nos.15093, 15095, 15101, 15103, 15282 & 15283 of 2022

**W.P.No.11375 of 2022 :-**

R.Balamurugan

...Petitioner

-Vs -

1. The Director General of Police,  
Dr. Radhakrishnan Salai,  
Mylapore,  
Chennai – 600 004.
2. The Superintendent of Police,  
District Police Superintendent Office,  
Sankari Main Road,  
Nethimedu,  
Salem – 636 002.
3. The Inspector General of Police,  
Directorate of Inspector General Office,  
Alagapuram,  
Salem – 636004.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents herein to revise the seniority of the petitioner on par with batchmates by fixing his date of appointment to the post of Police Constable Grade-II as



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03.10.2013 and to grant him all consequential service and monetary benefits within a limited fixed frame as deemed fit by this Court.

In all W.Ps.

For Petitioner : Mr.M.Ravi

For Respondents : Dr.T.Seenivasan  
Special Government Pleader

**COMMON ORDER**

These writ petitions have been filed for direction directing the respondent to revise the seniority of the petitioners on par with batchmates by fixing their date of appointment to the post of Police Constable Grade-II on 03.10.2013, 18.02.2013 and 8.10.2013 respectively.

2. The petitioner in all the writ petitions had participated in the selection process of the appointment to the post of Grade II Police Constable conducted by the Tamil Nadu Uniform Services Recruitment Board in the year 2012. All the petitioners were provisionally selected for appointment to the said post, subject to police verification and medical examination. After police verification, they were subjected for medical



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examination before the Government Medical Board and they were declared as Myopic Refractive Error, Myopia Astigmatism and Colour Blind etc., and therefore their eyes unfit. Therefore, they were declared as not selected. However, the petitioners had examined themselves in the private medical hospital and it was affirmed that there is no such defect as pointed out by the Government Medical Board.

3. Therefore, the petitioners had sent representation to the authorities to subject themselves for proper medical examination. Considering the said representation they were once again subjected for medical examination on 10.09.2013 at Government Eye Hospital, Egmore, Chennai, before the Special Medical Committee. They found that both eyes of all the petitioners are fit and declared that Right Eye Myopic Astigmatism – Eye fit. As recommended by the medical committee, they were selected to the post of Police Constable Grade-II and issued appointment letters. Therefore, they sought for revision of their seniority on par with their batchmates with consequential benefits and monetary benefits.



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4. The respondents filed counter and the learned Special Government Pleader appearing for the respondents submitted that as per circular memo dated 11.10.2021 issued by the Director General of Police, Tamil Nadu, viz., the first respondent herein that, based on the Rule 40(6) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the person who claims seniority should have been submitted representation requesting seniority within three years from the date of his appointment and if not submitted within the period, he shall be informed accordingly. In the case on hand, the petitioners requested revision of their seniority after five years from the date of their appointment. Therefore, they are not entitled to seek any revision of seniority.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. It is relevant to relay upon the judgment passed by this Court in ***W.P.(MD).No.25132 of 2018*** dated ***03.01.2019*** in the case of ***N.Karuppasamy Vs. the Director General of Police and anr*** in which, this Court referred the proceedings of the Director General of Police, Tamil Nadu, dated 11.11.2016, while considering the similar case, he



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directed the Superintendent of Police, Thoothukudi to fix seniority of one person, who involved in a criminal case as per Rule 24(d) of TNSPSS Rules. In the said order, the Director General of Police has referred the judgment of the Hon'ble Supreme Court in the case of ***State of Haryana and ors Vs. Dinesh Kumar***, in which the Hon'ble Supreme Court of India directed the concerned respondents to take steps to issue appointment letter to the appellants in the said appeals subject to fulfilment of other conditions by them. Further held that they will be deemed to have been appointed with effect from the date, persons lower in merit to them were appointed. However, they will be entitled to the notional benefits of such continuous appointment, they will be entitled to salary only from the date of that judgment on the basis of such notional benefits. Accordingly this Court directed the respondents to fix the seniority of the petitioner with effect from the date on which the other candidates selected in the same batch were appointed.

7. In the case on hand, the petitioners were not selected only on the ground that in the medical examination they were declared as Myopic Refractive error, Myopia Astigmatism and Colour Blind etc., and their



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eyes unfit. Subsequently, the Special Medical Committee of the Government Eye Hospital, Chennai, declared that their eyes are fit to the post of Police Constable. Considering the said medical report, they were selected and appointed to the post of Police Constable Grade-II. Therefore, no fault was committed by the petitioners and only on the fault committed by the Government Medical Board, the petitioners were not selected and appointed to the post of Police Constable Grade-II. That apart, in the circular memo dated 11.11.2016 issued by the Director General of Police, Tamil Nadu, the seniority should be fixed as per Rule 24(d) of the TNSPSS Rules.

8. Though the person who claims seniority revision should have submitted representation within period of three years from their appointment, in the case on hand, the petitioners were repeatedly submitted their representations when ever their batchmates were promoted to the higher post. However, their representations were not considered and as such it cannot be said that they have failed to claim their seniority within the period of three years from the date of their appointment.



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9. In view of the above discussions, the respondents are directed to revise the petitioners' seniority on par with batchmates by fixing their date of appointment to the post of Police Constable Grade-II on 03.10.2013, 18.02.2013 and 8.10.2013 respectively, with all consequential service benefits, except salary for the said period, within a period of twelve weeks from the date of receipt of a copy of this Order.

10. With the above directions, all the Writ Petitions stand allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

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Internet: Yes  
Index : Yes/No  
Speaking/Non Speaking order

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**G.K.ILANTHIRAIYAN. J.**

rts

To

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