



WEB COPY

W.P.No.10965 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.10965 of 2024

C. Ravikumar

... Petitioner

-Vs-

1. The Principal Secretary to Government
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

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

3. The Commissioner of Police,
Egmore, Chennai 600 008.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus by calling for the records relating to the proceedings of the third respondent dated 03.11.2023 made in Rc.No.Estt-V(1)/316/106163/2019 and quash the same and direct the respondents to revise the seniority of the petitioner on the basis of the petitioner's initial recruitment as held by this Court in W.P.No.25043 of 2002 dated 18.09.2007 and as implemented in G.O.Ms.No.1623 (Home) (Pol-V) Dept. dated 12.12.2008.



WEB COPY

W.P.No.10965 of 20



For Petitioner : Mr.K.Rajasekaran

For Respondent : Mr.C.Jayaprakash
Government Advocate

ORDER

This writ petition is filed for issuance of Writ of Certiorarified Mandamus by calling for the records relating to the proceedings of the third respondent dated 03.11.2023 made in Rc.No.Estt-V(1)/316/106163/2019 and quash the same and to direct the respondents to revise the seniority of the petitioner on the basis of the petitioner's initial recruitment as held by this Court in W.P.No.25043 of 2002 dated 18.09.2007 and as implemented in G.O.Ms.No.1623 (Home) (Pol-V) Dept. dated 12.12.2008.

2. The petitioner was initially recruited as Police Constable Grade II in the year 1981 and he retired from service in the cadre of Sub Inspector of Police upon attaining the age of superannuation with effect from 31.10.2022. Thereafter, the petitioner made a representation to the respondents by stating that the seniority in the cadre of Head Constable has wrongly been fixed and therefore the same may be revised. This Court in an earlier order in W.P.No.19657 of 2023 dated 03.07.2023 had directed the respondents to consider the representation of the petitioner and pass orders and accordingly the representation has now been rejected by an impugned order dated



WEB COPY

3. The learned counsel appearing for the petitioner submitted that the matter is no longer res-integra. By an order dated 18.09.2007 in W.P.No.25043 of 2002, the Division Bench of this Court has categorically directed that the seniority should be fixed and further promotion should be given only by taking into account the date of appointment and not otherwise. Thereafter also the respondents did not implement the said order in respect of all persons. Another six persons approached this Court by way of W.P.No.16141 of 2010 etc. and by judgment dated 26.07.2010 this Court again found fault with the respondents for non consideration of the request of the petitioners therein and directed the respondents to fix the seniority according to the Division Bench judgment. In spite thereof, the respondents have not implemented the order and therefore the petitioner has been making representation including representation dated 27.11.2019 and thereafter repeated reminders were also made. He further submitted that now the reasons which are stated in the impugned order that the said individuals belonging to different batches may not hold good. It is only the principle which is laid down by this Court which has to be followed by the respondents. Therefore rejecting the request to re-fix the seniority on the said ground is totally incorrect in law and therefore the



matter needs interference by this Court.

WEB COPY

4. Heard both sides and perused the materials available on record.

5. Admittedly, the seniority in the post of Head Constable was fixed in the year 1995. In the matters of seniority, the aggrieved employees should agitate the matter immediately that too by arraying the persons against whom they claim seniority as respondents. In this case the petitioner has not filed any proceedings and as a matter of fact acquiesced the seniority position and accepted the promotion on the basis of the said seniority. In the year 2007 two other employees approached this Court and the Division Bench passed an order in W.P.No.25043 of 2002. Even at that point of time the petitioner did not approach this Court. Again in the year 2010 also, another five employees similarly situated approached this Court. Even at that point of time the petitioner did not approach this Court. Therefore, keeping quiet until the date of superannuation and thereafter seeking an order to dispose of the representation will not revive the cause of action for the petitioner. This Court is of the view that the claim is stale and at this point of time no relief could be granted to the petitioner. It is the petitioner's own making that he did not agitate the matter of seniority at the relevant point of time. That being the



W.P.No.10965 of 20

scenario, after the superannuation of the petitioner, now the petitioner wants to rewrite his entire service progress starting from the cadre of Head Constable which cannot be permitted. Therefore finding no merits this writ petition stands dismissed. No costs.

23.04.2024

Index : Yes/No

Speaking order/Non-speaking order
dpq

To

1. The Principal Secretary to Government
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
2. The Director General of Police
Mylapore, Chennai 600 004.
3. The Commissioner of Police,
Egmore, Chennai 600 008.



WEB COPY



W.P.No.10965 of 2024

D. BHARATHA CHAKRAVARTHY, J.

dpq

W.P.No.10965 of 2024

23.04.2024