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*Writ Appeal Nos.412 to 417 of 2016*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated: 30.01.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR  
AND  
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal Nos.412 to 417 of 2016  
and C.M.P.Nos. 27932 & 27933 of 2019**

**W.A.No.412 of 2016**

D.Prem Anand

... Appellant

Vs

1.The Secretary to Government,  
Home (Police-II) Department,  
Fort St.George, Chennai – 9.

2.The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore, Chennai – 4.

3.The Chairman,  
The T.N.Uniformed Services Recruitment Board,  
Anna Salai, Chennai – 2.

... Respondents

**PRAYER:** Writ Appeals have been filed under Clause 15 of Letter Patent against the order dated 27.01.2016 made in W.P.(MD).No.16675 of 2014.

For Appellant  
in all W.As. : Mr.P.Arumugavel



*Writ Appeal Nos.412 to 417 of 2016*

For RR1 & 2

in all W.As . : Mr.P.Kumaresan

Additional Advocate General

Assisted by Mr.K.Suresh

Government Advocate

For R3 in both W.As.:Mr.P.Kumaresan

Additional Advocate General

Assisted by Mr.J.Lenin

Standing Counsel for TNUSRB

### **COMMON JUDGMENT**

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

These appeals have all been filed as being aggrieved against the common order passed by the learned Single Judge in a batch of Writ Petitions where a Writ of Mandamus had been sought for by the respective appellants to appoint them as Sub-Inspector of Police, pursuant to the orders passed by the Tamil Nadu Administrative Tribunal and the Hon'ble Apex Court.

2. Heard Mr.P.Arumugavel, learned counsel for the appellants, Mr.P.Kumaresan, learned Additional Advocate General, assisted by Mr.K.Suresh, learned Government Advocate for the respondents 1 and 2 and Mr.P.Kumaresan, learned Additional Advocate General, assisted by



*Writ Appeal Nos.412 to 417 of 2016*

Mr.J.Lenin, learned Standing Counsel for TNUSRB for the 3<sup>rd</sup> respondent.

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3. When the matter was taken up for hearing, we have found that the learned Single Judge apart from the Writ Petitions filed by the appellants before us, had also dealt with various other Writ Petitions and therefore, we had requested the counsels appearing on either side to clarify whether any such appeal had been filed by the similarly placed persons. Since, the learned Single Judge in his order had dismissed certain Writ Petitions of individuals and had granted relief to various other individuals.

4. Mr.P.Kumaresan, learned Additional Advocate General had produced before us an order of the Co-ordinate Bench, in a batch of Writ Appeal and would contended that the appellants therein are also similarly placed persons as that of the appellants herein. Therefore, the order passed by the Co-ordinate Bench would be squarely applicable to the facts of this case also. Before advertng to the order of the Co-ordinate Bench, we are proposed to analyse the order passed by the learned Single.



*Writ Appeal Nos.412 to 417 of 2016*

5. The entire *lis* in these appeals is, in respect to the recruitment to the post of Sub-Inspector under the direct recruitment based on the Notification, dated 02.04.1998. Since certain disputes arose, some of the individuals had approached the Tamil Nadu Administrative Tribunal, which had passed orders in their favour. The State had filed Writ Petitions challenging the order passed by the Tribunal in which the relief sought for were granted to various persons. The Writ Petitions in respect of the other persons, had allowed, wherein, it was found that there was a delay on the part of the original applicants to approach the Tribunal including certain of the Writ Petitioners who were directly approached this Court. The said individuals had moved the Hon'ble Apex Court and the Hon'ble Apex Court had allowed their applications.

6. In the interregnum, certain of the petitioners had also filed Writ Petitions which were also dismissed on the ground of delay and latches. After the order was passed by the Hon'ble Apex court, various cases came to be filed and they were all commonly taken up by the learned Single Judge. The learned Single Judge had categorised the petitioners into three categories



*Writ Appeal Nos.412 to 417 of 2016*

and had granted relief as prayed for by the petitioners, in respect of the persons fitted in Category of I and II. As regards to the 3<sup>rd</sup> category, the learned Single Judge had held that they did not agitate their grievance for a very long time and since, they had only approached this Court after the judgment of the Hon'ble Apex Court, they would not be entitled to get the relief of parity with respect of the petitioners in Category I and II and had rejected their Petitions as being hit by delay and latches.

7. From the judgment of the learned Single Judge, it could be seen that about 43 Petitioners have been fitted under Category-III. Some of the petitioners who were fitted in the aforesaid Category-III had filed Writ Appeal in W.A.No.1124 to 1132 of 2016. A Co-ordinate Bench of this Court while dealing with those Writ Appeals had upheld the order of the learned Single Judge and dismissed the Intra-Court Appeals. It is not disputed by the appellant that he do not belong to the Category-III and ought to have been placed in the other two categories.



*Writ Appeal Nos.412 to 417 of 2016*

8. In such view of the matter, the appellant also fall under the category-III and already a Co-ordinate Bench of this Court had rejected the claim of such persons and had upheld the order of the learned Single Judge in a batch of cases in W.A.Nos. 1124 to1132 of 2016, dated 19.04.2023. We are also inclined to follow the decision made by the Co-ordinate Bench of this Court in a batch of case in W.A.Nos. 1124 to1132 of 2016, dated 19.04.2023.

9. In fine, these Writ Appeals are dismissed. However, there shall be no order as to costs.

**(R.S.K.,J.)**

**(K.B., J.)**  
**30.01.2024**

Index: Yes/No  
Speaking Order/Non Speaking Order  
Neutral Citation:Yes/No

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*Writ Appeal Nos.412 to 417 of 2016*

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WEB COPY

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**R.SURESH KUMAR., J.**  
**and**



WEB COPY



*Writ Appeal Nos.412 to 417 of 2016*

**K.KUMARESH BABU.,J.**

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**Writ Appeal Nos.412 to 417 of 2016**

**30.01.2024**