

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.26707 of 2024

M.Vijaya Baskar

... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Dr. Radhakrishnan road,
Mylapore,
Chennai – 600 004.

2.The Thalavai/Commandant,
Tamil Nadu Special police, 4th Battalion,
Coimbatore – 641 042.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to fix petitioner's seniority on par with his batch mates of the year 2012 based on his representation dated 26.07.2024 and in the light of the proceedings passed by the 1st Respondent in C.No.3362/Rect 1 (2)/2016 dated 11.11.2016 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.N.S.Elamugilan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to deal with the representation made by the petitioner on 26.07.2024, wherein, the petitioner is seeking for fixation of his seniority on par with his batch mates of the year 2012 in the light of the proceedings of the 1st respondent dated 11.11.2016.

2.Heard Mr.N.S.Elamugilan, learned counsel appearing on behalf of the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that he applied for the post of Grade-II Police Constable in the selection that was held in the year 2012. The petitioner was selected and he was waiting for his appointment. At that point of time, a pending case in Crime No.429 of 2011 was put against the petitioner and it was kept in abeyance for further verification. Later, it came to light that this case has been closed as 'Mistake of Fact' and a referred charge sheet was also filed in the year 2012 itself.

4.The petitioner approached this Court by filing writ petition in W.P.No.2795 of 2013 seeking to quash the proceedings of the Superintendent of Police, dated

08.01.2013, whereby, the petitioner was refused to be selected on the ground of the pending criminal case. The writ petition filed by the petitioner was dismissed by an order dated 22.03.2013. Aggrieved by the same, a writ appeal was filed and based on the orders passed in the writ appeal, the petitioner was appointed in the post of Grade-II Police Constable only on 26.05.2023 by virtue of the proceedings of the 2nd respondent/

5.The grievance of the petitioner is that the petitioner ought to have been recruited along with his batch mates in the year 2012 itself. However, for no fault of the petitioner, his appointment was given only in the year 2023. Therefore, the petitioner made a representation dated 26.07.2024, requesting the 1st respondent to fix the seniority of the petitioner on par with his batch mates from the year 2012. Since the same was not considered, the present writ petition has been filed before this Court.

6.In the considered view of this Court, it will suffice if a direction is given to the 1st respondent to deal with the representation made by the petitioner on 26.07.2024 on its own merits and in accordance with law and the 1st respondent shall take a decision, within a period of eight weeks from the date of receipt of copy of this order.

N. ANAND VENKATESH, J.

SSR

7.This writ petition is disposed of with the above directions. No Costs.

12.09.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order

ssr

To

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