



WEB COPY



WP No.13629 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.13629 of 2011
and MP No.2 of 2011

1. A.Shunmugam
2. S.E.Syed Usuff
3. S.Somsundaram
4. S.Karunakaran
5. S.Sosenthran
6. N.Devadoss
7. K.Natarajan
8. R.Krishnasamy
9. P.K.Thirumurthy
10. N.Govindarajan

... Petitioners

Vs.

1. The Director General of Police,
Tamil Nadu, Chennai 600 004



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2. The Commissioner of Police,
Coimbatore City,
Coimbatore 641 018

3. K.Santhanam

4. K.Lakshmanan

5. A.Pandian

6. R.Ebinazer Yesudurai

7. S.Koil Anthony

8. C.R.Vijayakumar

9. V.Sankaranarayanan

10. P.M.Sajeevan

11. D.Mahalingam

12. P.Balakrishnan

13. R.Navaneetham

14. L.Mariya Chinnappan

15. S.Ganesan

16. R.Rajendran

[Respondents 3 to 16 are serving in Armed
Reserve Unit, Coimbatore City, Coimbatore]

... Respondents



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Prayer: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in connection with the impugned proceedings issued in CPO No.774/2011 in C.No.N2/71032 /2010 dated 19.05.2011 said to have issued in pursuance of the Chief Office Memo dated 03.05.2011 and to quash the same and consequently direct the official respondents herein to maintain the settled seniority insofar as the petitioners being placed over and above the respondents 3 to 16 herein.

For Petitioners	: Ms.T.Subhiksha for Mr.M.Ravi
For Respondents	: Mr.P.Ananda Kumar, Government Advocate for R1 and R2 Mr.A.Rajaram for R4, R5, R8 to R13 & R16 No appearance for R3, R6, R7 R14 and R15.

ORDER

This writ petition is filed challenging the order of the 2nd respondent dated 19.05.2011 passed pursuant to Chief Office memo dated 03.05.2011 and for a consequential direction to the respondents to maintain



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the settled Seniority list.

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2. The case of the petitioners is that they are working as Special Sub-Inspectors of Police in Armed Reserve Unit in Coimbatore and became eligible for promotion as Inspector of Police. At this juncture, the 2nd respondent issued an order dated 19.05.2011 whereby the seniority of the respondents 3 to 16 in the post of Head Constable was advanced to 09.12.2019 and in case of some of the respondents to 22.01.1993. The said order has been issued by the 2nd respondent pursuant to the order of this Court dated 09.11.2010 in WP No.19976 of 2010 etc., batch.

3. The grievance of the petitioners is that the respondents 3 to 16 were initially enlisted to Tamil Nadu Special Police during 1981, 1982 and 1984 and after serving till 1993, they opted to serve in the Armed Reserve Unit, Coimbatore relinquishing their promotion in the Tamil Nadu Special Police, whereas the petitioners 1 to 3 were promoted to the post of Sub-Inspectors of Police with effect from 01.04.2003 after having passed the written test and the petitioners 4 to 9 were serving as Head Constables from



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18.11.1989 though they passed the written test. The petitioners 1 to 3 having undergone the prescribed test for promotion as Head Constables, were given promotion only by upgradation to Head constables. In any event, the respondents 3 to 16 were Juniors to them. In such circumstances, the impugned order revising the seniority is unsustainable and hence, prays this Court to set-aside the same.

4. Heard Ms.T.Subhiksha, learned counsel for the petitioner and Mr.P.Ananda Kumar, learned Government Advocate for Respondents 1 and 2 and Mr.A.Rajaram for respondents 1, 4, 5, 8 to 16.

5. A perusal of the impugned order dated 19.05.2011 reveals that the very order has been passed only in compliance to the directions issued by this Court dated 09.11.2010 in WP No.19976 of 2010 and others, which was also passed as per the earlier order dated 13.04.2006 in WP No.27036 of 2004. The relevant Government Order is extracted hereunder :-

Following Police Personnel of Armed Reserve, Coimbatore city, have filed Writ petitions before the Hon'ble High Court of



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Chennai, requesting to count the services rendered by them in various streams in Police Department and fix seniority and to give Promotion as Sub Inspector of Police. The details are furnished below :-

Sl.No.	Rank/No.	Name	W.P.No.	Remarks
1.	SSI/HC1312	K.Santhanam	WP No.19976 of 2010	High Court order dated 09.11.2010
2.	SSI/HC345	K.Lakshmanan		
3.	SSI/HC744	A.Pandian		
4.	SSI/HC1244	R.Ebinazer Yesudurai		
5.	SSI/HC1424	S.Koil Antony		
6.	SSI/HC321	C.R.Vijayakumar		
7.	SSI/HC1540	V.Sankaranarayanan		
8.	SSI/HC1278	P.M.Sajeevan		
9.	SSI/HC1551	D.Mahalingam		
10.	SSI/HC413	P.Balakrishnan		
11.	SSI/HC1573	R.Navaneethan (OD at SBCID)	WP No.19858 /2010	
12.	SSI/HC969	L.MAriya Chinnappan (OD at PRS)	WP No.19854/2010	
13.	SSI/HC837	S.Ganesan	WP No.19856 /2010	
14.	SI/HC2011	R.Rajendran(OD at PRS)		

2. The Hon'ble High Court in the common judgement dated 09.11.2010 have passed the following orders :-

“The facts mentioned in the prayer of these writ petitioners were verified with the learned Government Advocate, who in



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turn submits that the issue of these writ petitioners is one and the same with the case, quoted in the prayer. Hence, the orders of the COP, CBE city rejecting the request of the writ petitioner is set aside and the writ petitions are allowed with a direction in terms of the earlier orders (i.e WP No.27036 /2005 dated 13.04.2006) No costs. Consequently, connected miscellaneous petitions are closed.

*3) The Hon'ble High Court in its earlier orders in WP No.27036 / 2005 dated 13.04.2006 had ordered the following:-
The respondents are directed to place the petitioner above the respondents 6 to 19 in the appropriate promotion post and give him all service benefits and other further promotions. This order shall be complied by the respondents within a period of six weeks from the date of receipt of a copy of this order.*

4. In Chief office memo C No.257136/NGB.III(2)/2010, dated 03.05.2011 instructions were issued to revise the seniority of the personnel up to the rank of Head constables. As the Juniors of the petitioners were promoted to the rank of Head constables on 09.12.1989 and 22.01.1993 respectively, the seniority of the petitioners is revised and advanced to the dates on which their Juniors were promoted as detailed.



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Name and Rank No.	Edu Qualification	D.O.B	D.O.B	D.O.B List	D.O.R in AR	Remarks /D.O promotion as HC is advanced to
Revised Reserve (Genl.) Seniority						
621 Sivanandam	IX (F)	16.05.1957	15.07.1977	01.11.90		Senior
R.Ebinazer Yesudurai, SSI (HC, 1244)	SSLC	31.07.1956	01.04.1981		09.12.1993 AN	09.12.89
S.Koil Antony, SSI (HC 1424)	SSLC (F)	10.10.1957	01.04.1981		21.12.1993	09.12.89
C.R.Vijaya Kumar, SSI (HC 321)	SSLC (F)	15.03.1953	30.04.1981		10.12.93 AN	09.12.89
V.Sankaranarayanan SSI (HC 1540)	SSLC (F)	01.12.1955	15.05.1981		06.12.93	09.12.89
P.M.Sajeewan, SSI (HC 1278)	VIII	06.11.1957	15.07.1981		10.12.93	09.12.89
D.Mahalingam, SSI (HC 1551)	SSLC (F)	31.03.1958	13.10.1981		16.12.93	09.12.89
I.Mariya Chinnappan, SSI (HC 969)	SSLC	21.05.1961	04.01.1982		15.12.93(A N)	09.12.89
P.Balakrishnan, SSI (HC 413)	SSLC	12.05.1956	12.05.1982		09.12.93	09.12.89
R.Navaneethan, SSI (HC 1573)	SSLC (F)	16.12.1964	03.08.1982		01.04.94	09.12.89
740 Kuppusamy	SSLC(F)	01.01.1958	01.08.1984	09.12.89		Junior
REVISED RESERVE (MT) SENIORITY						
1790 Krishnan	IX	05.11.1951	11.08.1971	19.02.93		Senior
A.Pandian. SSI (HC 744)	SSLC	01.06.1962	01.04.1981		09.12.93 AN	22.01.93
K.Santhanam, SSI (HC 1312)	SSLC (F)	11.03.1960	13.10.1981		09.12.93 AN	22.01.93
K.LAkshmanan, SSI (HC 345)	IX(F)	12.03.1962	13.10.1981		09.12.193 AN	22.01.93



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<i>Name and Rank No.</i>	<i>Edu Qualification</i>	<i>D.O.B</i>	<i>D.O.B</i>	<i>D.O.B List</i>	<i>D.O.R in AR</i>	<i>Remarks /D.O promotion as HC is advanced to</i>
<i>R.Rajendran, SI</i>	<i>SSLC</i>	<i>27.02.1963</i>	<i>19.01.1982</i>		<i>26.04.94</i>	<i>22.01.93</i>
<i>S.Ganesan, SSI (HC 837)</i>	<i>SSLC</i>	<i>05.05.1962</i>	<i>15.12.1982</i>		<i>23.12.93</i>	<i>22.01.93</i>
<i>813 Udayakumar</i>	<i>SSLC</i>	<i>17.12.1957</i>	<i>25.10.1984</i>	<i>22.01.93</i>		<i>Junior</i>

Consequent to revision of seniority, the pay of the individuals in the rank of Head Constables may be fixed notionally w.e.f the dates noted against each in Col.g (i.e the date on which they reported in Armed Reserve) and they may be given notional effect from 25.07.2000.

6. When the impugned order has been passed in compliance to give effect to the orders passed in the writ petitions, the very challenge made by the petitioners in the present writ petition cannot be maintained. It is the only grievance of the petitioners that since they have not been made as the parties to the writ petition wherein the earlier directions were issued, they are entitled to challenge the consequential order passed, which is



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challenged in this writ petition. This argument cannot be sustained for the simple reason that if at all the petitioners have not been the parties in that writ petitions wherein the orders have been passed against their interest, without making them as a party, it is always open to the petitioners to obtain 3rd party leave and prefer an appeal as against the orders passed in the earlier writ petitions. Without choosing the same, the petitioners cannot successfully challenge the consequential order passed given effect to the directions issued in those writ petitions.

7. The learned Government Advocate also points out the averments made by the petitioners in paragraph 6 of the affidavit wherein it has been stated that as an abundant caution they are taking steps to file review as against the order dated 09.11.2010 passed in those writ petitions on the sole ground of non joinder of necessary and proper parties. It is also not known as to what happened to the fate of that revision before this Court.

8. In such view of the same, this writ petition fails and



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accordingly, dismissed. However, it is left open to the petitioners to take appropriate steps in the manner known to law, if they are so advised. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Internet: Yes

Speaking Order/Non-speaking Order

To

1. The Director General of Police,
Tamil Nadu, Chennai 600 004
2. The Commissioner of Police,
Coimbatore City,
Coimbatore 641 018



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