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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

CORAM

**THE HONOURABLE MS JUSTICE R.N.MANJULA**

**W.P.(MD)No.8714 of 2024**

K.Gunasekaran ... Petitioner

Vs.

1. The Director General of Police,
   Kamarajar Salai,
   Mylapore,
   Chennai-600 004.

2. The Commandant,
   TSP VI Battalion,
   Madurai. ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Rc.No.A2/8688/2019 dated 05.01.2022 on the file of the second respondent and quash the same and consequently direct the respondents to refix the seniority of the petitioner at the appropriate place in the Selection List of Grade II Police Constables in the year 2012-2013 instead of 2015 with all monetary and other attendant benefits.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.M.Lingadurai,
Special Government Pleader



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**ORDER**

Heard Mr.K.Sudalayandi, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

**2.** The petitioner, who is aggrieved due to the impugned order of the second respondent, dated 05.01.2022, has filed this Writ Petition.

**3**. On perusal of the impugned order dated 05.01.2022, it is seen that the petitioner's request for refixing the seniority on par with his batchmates selected for the year 2012 has been rejected stating that the petitioner has given a representation after a lapse of three years in violation of Section 40 (6) of the Tamil Nadu Government Servant (Condition and Service) Act, 2016.

**4**. Mr.K.Sudalaiyandi, learned counsel appearing for the petitioner submitted that the delay alone cannot be the reason for rejecting the petitioner's request for refixing the seniority.


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**5**. However, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents attracted the attention of this Court to Rule 24 of the Tamil Nadu Special Police Sub Ordinate Service Rules which is redundant to Section 40 (6) of the Tamil Nadu Government Servant (Condition and Service) Act, 2016.

**6.** But, however, the issue involving the rejection of similar such requests on the basis of delay that has already been dealt in the earlier judgments of this Court and a liberal view has been taken by directing the respondents to consider the representation on merits.

**7**. Since the order has not been passed on merits of the petitioner's submissions, but, has been rejected on technical ground of delay, unmindful of the earlier order of this Court, I feel that the respondents can look into the merits of the matter and pass an orders afresh by condoning the delay.

**8**. In view of the same, the Writ Petition stands **allowed** and the impugned order passed by the second respondent in Rc.No. A2/8688/2019 dated 05.01.2022 is quashed and the respondents are directed to consider and pass orders on the representation made by the petitioner within a period of four


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weeks thereafter. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

03.06.2024

Index:yes/no
Internet:yes/no
Ncc : yes/no
TSG

**To**

1. The Director General of Police,
   Kamarajar Salai,
   Mylapore,
   Chennai-600 004.

2. The Commandant,
   TSP VI Battalion,
   Madurai.



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**R.N.MANJULA, J.**

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