



W.P.No.8457 of 2011, W.P.No.16876 of 2013 and
W.P.No.348 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.8457 of 2011, W.P.No.16876 of 2013 and W.P.No.348 of 2017
and W.M.P.Nos.23491 of 2013 and W.M.P.No.393 of 2017

Judgment reserved on 04.02.2025	Judgment pronounced on 24.02.2025
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W.P.No.8457 of 2011:

1. M.Ravichandran
2. P.Ganesh
3. R.Pichaikkannu
4. D.Raju
5. T.Ramakrishnan
6. M.Duraisamy
7. T.Duraipandian
8. P.Srinivasan
9. I.Thiruparaman
10. S.Daniel Fernando
11. T.Srinivasakumar
12. R.Kanthan
13. S.Loganathan
14. A.Alagarsamy
15. S.Rajkumar
16. M.Mohamed Ali
17. J.Thilagar
18. E.Srinivasan
19. R.Ravichandran
20. M.Robert
21. M.Kumarar Raja



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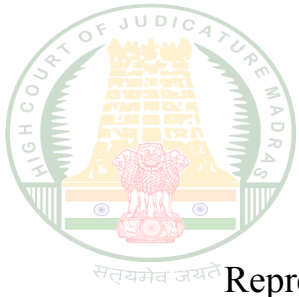
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22. K.Murugesan
23. A.P.Mahendran
24. K.Baskaran
25. M.Ramasubramanian
26. K.Shanmugam
27. V.Sreenivasan
28. M.Duraisamy
29. S.Ramachandran
30. S.Arumugam
31. A.Thangavelu
32. P.Sridhar
33. N.Nagarajan
34. R.Nagendran
35. P.Palani
36. K.Palani
37. K.Poyyamozi
38. R.Ethiraj
39. P.Selvaraj
40. J.Mohan
41. S.Murugesan
42. P.Selvamani
43. P.Subramani
44. A.Santhasargunavel
45. L.Raja
46. M.Padmanaban
47. A.Kadar Basha
48. V.Padmaraj
49. G.Sabarinathan
50. S.Abubacker Siddiq
51. G.Kanakasabai
52. P.Selvaraj

...Petitioners

.....Vs.....

1. The Government of Tamil Nadu,



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Represented by Secretary to Government,
Home (Police) Department,
Chennai - 600 009.

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

3. Venkatesan

4. Vincent Devaraj

.....Respondents

W.P.No.16876 of 2013:-

1. M.Balakrishnan
2. G.Rajesh
3. T.Kumaradas
4. K.Saravanan
5. R.Kumar
6. N.Anbuselvan
7. K.Vinu
8. M.R.Maheswaran
9. K.Govindasamy
10. Ananthanarayanan
11. A.Balasubramanian
12. M.Shankar
13. R.Madhiyalagam
14. P.Gopinath
15. K.Suresh
16. S.Selvam
17. V.Saravanan
18. S.Ragupathy
19. E.Sundarraaj
20. C.Dennis
21. S.Thangaraj
22. S.Perumal
23. S.Kumar



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24. P.Sivakumar
25. B.Jayamani
26. K.Ramesh
27. D.Raghupathi
28. S.Selvaraj
29. R.Govindaraj
30. T.Balu
31. J.Neethi Mohan
32. S.Purushothaman
33. Nagipillai
34. A.Marriappan

..Petitioners

....Vs....

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Home (Police) Department,
Chennai - 600 009.
2. The Director General of Police,
Chennai - 600 004.

...Respondents

W.P.No.348 of 2017:-

1. K.Thamba, HC 43821
O/o.Armed Reserve Police,
F'-Company, 33rd Blanton
Chennai City Armed Reserve Police,
Egmore, Chennai.
Residing at:No.26, 11th Street,
B.V.Nagar, Nanganallu,
Chennai - 114.

....Petitioner in W.P.No.348 of 2017

.....Vs.....



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1. The Secretary to Government,
Home (Police) Department,
Fort St.George,
Chennai - 600 009.

2. The Director General of Police,
O/o.Director General of Police,
Mylapore, Chennai - 600 004.

3. C.Madhavan

4. R.Madhavan

5.G.Bharathidasan

.....Respondents

Prayer in W.P.No.8457 of 2011:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the orders in Pro.Na.Ka.No.2020503/Niyamanam 1(2)/09 dated 10.12.2009 of the second respondent and G.O.Ms.No.606, Home (Police III) Department dated 24.04.1997 of the first petitioner insofar as it relates to para 8 thereof, to quash the same and issue consequential directions to the respondents to consider the claim of the petitioners herein and to grant them all service rights with reference to their selection as Police Constables, Grade II, during the year 1991, against 1989-90 year of recruitment and be placed subsequent third respondent and placed accordingly for all purposes and be granted



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consequential service benefits, fixation of pay, annual increment, promotion etc and all other benefits except back wages.

Prayer in W.P.No.16876 of 2013:-Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to Rc.No.86400/Rect.1(2)/2011, dated 25.10.2012, to quash the same and to issue consequential directions to the respondents directing the respondents to refix their seniority with reference to their selection as Police Constables, Grade II, during the year 1991, against 1989-1990 year of recruitment and be placed above the selectees of 1993 year Police Constables for all purposes and be granted consequential service benefits, fixation of pay, annual increment, promotion etc and all other benefits except back wages.

Prayer in W.P.No.348 of 2017:-Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the order in R.C.No.011921/Rect.1(2)/2016 dated 26.05.2016 passed by the 2nd respondent quash the same and to issue consequential directions to the 1st and 2nd respondents to consider the claim of the petitioner herein and to grant the



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all service right with reference to his selection as police constables, Grade II, during the year 1991, against 1989-1990 year of recruitment and be place subsequent the 3rd, 4th, 5th respondents and placed accordingly for all purpose and be granted consequential service benefits, fixation of pay, annual increment, promotion etc and all other benefits except backwage.

For Petitioners : Mr.M.Ravi in all cases
For R1&R2 : Mr.P.Kumaresan,
Additional Advocate General-VII
Asst.by Mr.G.Ameedius,
Government Advocate in all cases
For R3&R4 : No appearance
in W.P.No.8457 of 2011
For R3 to R5 : No appearance
in W.P.No.348 of 2017
For R3 to R15 : No appearance
in W.P.No.16876 of 2013

COMMON JUDGMENT

W.P.No.8457 of 2011 has been filed by the petitioners seeking a writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the order in Pro.Na.Ka.No.2020503/Niyamanam 1(2)/09 dated 10.12.2009, to quash the same and to issue consequential directions to the respondents to consider the petitioners' claim. The petitioners seek recognition



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of their service rights based on their selection as Police Constables, Grade-II, during the year 1990-1991, against 1989-90 vacancies. They also seek to be placed accordingly for all purposes and be granted consequential service benefits, including fixation of pay, annual increments, promotions, and all other benefits except back wages.

2. Similar writ petitions have been filed by other individuals in W.P.Nos.16876 of 2013 and 348 of 2017.

3. The counter affidavit filed in W.P.No.8457 of 2011 has been adopted for the other two writ petitions.

4. After filing the counter affidavit, it appears that the petitioners filed M.P.No.2 of 2011, seeking an amendment to their original prayer. Consequently, the original prayer was amended to quash the Government Order (G.O.) issued by the second respondent in G.O.Ms.No.606, Home (Police III) Department, dated 24.04.1997, insofar as Paragraph 8 is concerned.



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5. After the initial round of arguments, a common affidavit was filed on 12.04.2021 by one Ravichandran on behalf of the other petitioners. In this affidavit, the petitioners restricted their relief to revising their seniority by placing them above all those persons who were appointed subsequent to their selection (1989-90 selection) and prior to their actual date of appointment as Police Constables, Grade-II.

6. The petitioners seek seniority only in the cadre of:

- Police Constable, Grade-II
- Police Constable, Grade-I
- Head Constable
- Special Sub-Inspector of Police / Sub-Inspector of Police

7. They request retrospective effect from the date of promotion of the first person who was appointed as Police Constable, Grade-II, subsequent to their 1989-90 selection, for all purposes.

8. The chequered history of this case arises from G.O.Ms.No.606, Home (Police III) Department, dated 24.04.1997.



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9. Initially, in 1987, a recruitment notification was issued for the selection of 2,000 Police Constables. However, only 350 Police Constables received appointments after approaching the Court. Subsequently, another batch of recruitment took place in 1992-1993 and 1993-1994.

Against this backdrop:

- Some of the petitioners appeared in the subsequent examination;
- Some did not appear;
- Some failed either in the written examination or the physical test.

10. However, the petitioners have not provided specific details regarding their participation and performance in the selection process.

11. While matters stood thus, on 26.08.1986, during discussions on police recruitment, the Hon'ble Chief Minister made the following announcement:

"Out of 2,000 Police Constables selected in 1989, only 350 Police Constables could secure appointment after approaching the Court. If the remaining 1,650 candidates approach the Government, they will be



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appointed, relaxing the requisite standards if the need arises."

12. Pursuant to this announcement, a police recruitment notification was issued on 19.12.1996 and 20.12.1996, calling upon all provisionally selected candidates from the 1989-1990 batch who had not been appointed. Their request for appointment was considered in line with the Chief Minister's announcement on the floor of the Assembly. A re-examination was conducted for 1,070 candidates, out of which 1,022 were found eligible for appointment as Police Constable, Grade-II.

13. Among these 1,022 candidates:

- 376 required age relaxation
- 234 required educational qualification relaxation
- Communal roster relaxation was granted
- 30% quota relaxation for women was applied

14. Since these relaxations were necessary for candidates who had not been appointed in the 1989-1990 selection, a Government Order (G.O.) was



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issued granting the necessary relaxations. Further, a relaxation under Rule 12(b)(i) of the Tamil Nadu Special Police Subordinate Service Rules was also granted. Accordingly, G.O.Ms.No.606, dated 24.04.1997 (impugned G.O.), was issued.

15. Clause 8 of the said G.O. is significant and is extracted below:

"As pointed out by the learned Additional Advocate General, the seniority of these candidates will be reckoned only from the actual date of their appointment as Police Constable, Grade-II, in the Tamil Nadu Special Police."

16. Pursuant to the Government Order, all selected candidates submitted undertakings as required under Clause 8. They were subsequently issued temporary appointments as Grade-II Police Constables and have since received further promotions.

17. The petitioners made a representation on 08.12.2008 to the Director General of Police, requesting that their appointment as Grade-II Police Constables in 1991 be considered against the estimated vacancies for the year 1989-1990. They sought placement above the selectees of the 1993 batch and



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requested all consequential service benefits, including:

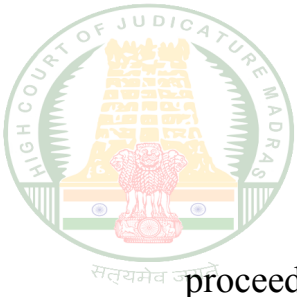
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- Fixation of pay
- Annual increments
- Promotions
- All other benefits (except back wages)

18. Since their representation remained pending, the petitioners filed W.P.No.7022 of 2008 (order copy enclosed), seeking directions to the respondents to re-fix their seniority.

19. By an order dated 20.03.2009, this Hon'ble Court directed the Director General of Police (Second Respondent) to consider the common representation dated 18.01.2008 and pass orders on merits and in accordance with the law, within twelve weeks from the date of receipt of the Court's order.

20. The representation of the petitioners was reviewed with reference to the Government orders in G.O.Ms.No.606, Home (Pol-3) Department, dated 24.04.1997, and in accordance with Rule 24(D) of the Tamil Nadu Special Police Subordinate Services Rules, 1978. It was subsequently rejected vide



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proceedings of the Director General of Police, Tamil Nadu, in RC No.202053/Rect.I(2)/2009, dated 10.12.2009, and the rejection was communicated to them through their unit officers under acknowledgement. Since their request was denied, the present writ petitions were initially filed with a prayer as stated above. The prayer was later amended after the filing of the counter. Thereafter, an undertaking was given, restricting the relief as extracted above.

21. Heard Mr. M. Ravi, learned counsel for the petitioners, and Mr.P. Kumaresan, learned Additional Advocate General-VII, for the respondents.

22. The essence of the petitioners' grievance is that they underwent a re-examination in 1996 pursuant to an announcement made by the then Chief Minister in the Assembly. The re-examination was conducted and for candidates who have selected provision were given relaxations on five aspects, and they were appointed accordingly. They contend that they ought to



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have been appointed along with the 1989 batch and, therefore, seek to have their seniority fixed above the police personnel recruited in the 1989–1990 batch.

23. The learned Additional Advocate General-VII drew my attention to the orders passed by this Court on 27.07.2012 in W.A.No.1134 of 2012 concerning similarly placed armed police personnel, wherein this Court rejected the petitioner's request, stating that "the petitioner was observed in the year 1995. Therefore, he cannot seek to count his service from the year 1980." The order of dismissal by the learned Single Judge was confirmed by the Division Bench".

24. The learned Additional Advocate General also relied upon another Division Bench judgment of this Court in W.A.No.30 of 2022, along with a batch order dated 20.12.2022, wherein the Division Bench held:

"We are of the considered view that the order of the learned Single Judge is unsustainable for the following reasons."



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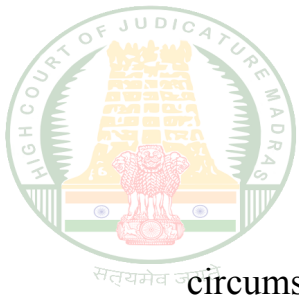
(iii) *These 98 persons, even though they were successful in the written examination and were called for a viva-voce and police verification, ultimately were 'not selected' since they did not come within the zone of merit.*

25. In Clause No. III, the Division Bench observed as follows:

"It is only by an extraordinary gesture that the Government has shown an act of benevolence to them vide G.O.Ms.No.1281, dated 22.09.1999. The said benevolence came with a condition that the appointees cannot claim seniority vis-à-vis their batch, i.e., 1994-1995, and that they will be placed below the persons who were selected in the year 1997-1998. Therefore, when any extraordinary gesture, dehors the rules, is shown by the Government, and if that gesture is coupled with a condition, the acceptance of G.O.Ms.No.1281, dated 22.09.1999, by the writ petitioners would estop them from challenging the very same G.O. thereafter. The petitioners cannot be permitted to approbate and reprobate."

26. It appears that the above-mentioned Division Bench order was confirmed by the Hon'ble Supreme Court by an order dated 13.03.2023 in Civil Appeal (SLP) No.7470 of 2023.

27. After perusing the judgments of the two Division Benches, as confirmed by the Hon'ble Supreme Court, I find that the facts and



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circumstances of this case are squarely covered by the aforesaid Division Bench rulings.

28. In the instant case, as observed, the special section zone was introduced by the then Hon'ble Chief Minister of Tamil Nadu on the floor of the Assembly to provide employment for those persons who had failed or had not received appointment orders pursuant to the notification issued in the years 1989–1990, subject to certain conditions.

29. The second respondent issued a notification, and more than 1,070 people underwent re-examination. As stated above, relaxations on five aspects were granted, and these petitioners were appointed subject to the conditions in Clause 8, as extracted above.

30. After the counter was filed in this Court, the petitioners chose to challenge Clause 8 while accepting all other conditions and clauses in the said G.O. In other words, they challenged only a part of the G.O. while voluntarily accepting the relaxation and re-examination provisions, which had not been challenged before this Court. Hence, I find that Clause 8 cannot be challenged separately, as it is an integral part of the G.O. that gives effect to its other

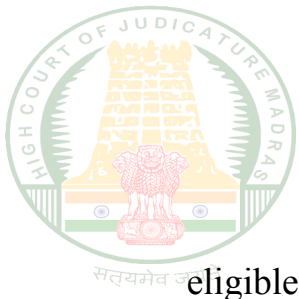


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provisions.
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31. Be that as it may, this Court finds that Clause 8 is a special instruction stating that the seniority of these candidates shall be reckoned only from the date of their appointment as Grade II Police Constables in the Tamil Nadu Special Police (TSP). Since no appointment orders were issued earlier, the question of a seniority list does not arise. According to the rules, the seniority of Police Constables appointed on or after 01.07.1977 shall be determined with reference to the marks obtained by them in the final examination conducted at the Recruit Schools and from the actual date of their appointment as Grade II Police Constables. As the petitioners and others were appointed only in the year 1997, their seniority was rightly fixed below that of the Grade II Police Constables appointed during the years 1993 and 1994

32. There is a specific instruction in G.O.Ms.No.606, Home (Pol-3) Department, dated 24.04.1997 (copy enclosed), stating that the seniority of these candidates shall be reckoned only from the actual date of their appointment as Grade II Police Constables in the TSP. Thus, they are not



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eligible to claim seniority from their selection year, i.e., 1990–1991. Since they remained out of employment from the date of their selection until the date of joining the PRS for basic training, this period is not countable for seniority or any other purpose. The petitioners' claim for seniority for the period prior to their actual appointment, which was not spent on duty, is not in accordance with the rules.

33. It remains to be stated that, in general, service seniority shall be counted from the actual date of joining the department and from the date of commencement of probation. These selectees were appointed and sent for basic training to PRS, and they were placed on probation with effect from 31.10.1997 AN. Therefore, their seniority has been determined as per Rule 24(d), with effect from 31.10.1997 AN, in accordance with G.O.Ms.No.606, Home Department, dated 24.04.1997. Now, only Clause 8 of the G.O. is being challenged.

34. For the purpose of clarity, it is stated that the appointment of these petitioners, at the risk of the writ petition, was considered by G.O.Ms.No.606 of the Home Department, dated 24.04.1997, as a policy decision of the



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Government. The Government ordered that they are entitled to seniority with effect from their date of joining the department, namely, the date of joining PRS, which is 31.10.1997 AN. Now, they seek to keep the G.O. intact while challenging Clause 8, which pertains to the undertaking. Can they be allowed to both appropriate and reprobate? Certainly not, and this must be answered in the negative for more than one reason.

35. The matter of seniority is well defined in Rule 24(d), as extracted in G.O.Ms.No.606.

36. Rule 24(d) of the TNSPS and G.O.Ms.No.606 (Home Department), dated 24.04.1970, has been kept in mind.

37. In the year 1993, 9,063 candidates were selected. Those selected in subsequent years cannot be appointed prior to the date of appointment of the 1993 selectees, claiming that they should be treated as part of the 1993 selection batch. This is a misconception.



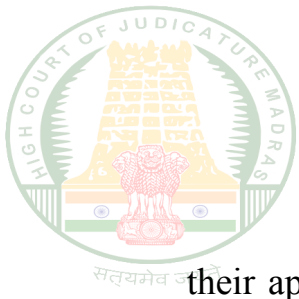
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38. Since these petitioners were recruited and appointed in the year 1997, their seniority cannot be fixed above that of the police personnel recruited in 1993 and 1994. Besides, these petitioners failed the re-examination in 1996 and were thereafter provisionally selected. After obtaining government relaxation on five counts, they were appointed in 1997. In short, since these petitioners were appointed in 1997 based on the re-examination conducted in 1996, they cannot be placed as seniors over the 1993 and 1994 batch recruits. Their qualifying examination for the present post was solely based on the 1996 re-examination. Therefore, the petitioner is not entitled to the relief sought.

39. As extracted above, I find that the contention of the learned Senior Advocate, relying upon W.A.No.1134 of 2012 and another Division Bench judgment, as cited above, is not sustainable. Hence, the contention presented by the learned Additional Advocate General on behalf of the second respondent is to be upheld.

40. The seniority of the petitioners will be fixed only from the date of



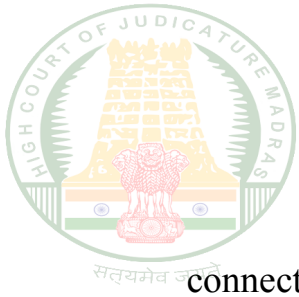
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their appointment, as per Rule 24(d) of the TNSPS Rules and in accordance with G.O.Ms.No.606, dated 24.04.1987. The same is incorporated into the record. Now, the petitioners, by way of an amendment after the counter and arguments have been advanced, seek to challenge Clause 8. A person who has derived benefits under the G.O. cannot segregate the G.O. to claim only advantages and reject the disadvantages. The G.O. must be read harmoniously in its entirety. Therefore, the amended prayer cannot be granted.

41. The present petitioners participated in the selection process during the year 1990–1991. The final selection process was not completed at that time. However, the Government reviewed their plight and, in the interest of their welfare, issued G.O.Ms.No.606 (the impugned G.O.), granting them seniority in accordance with Rule 24(d). The general seniority applicable to other appointees has not been deprived under the G.O. Therefore, Clause 8, which is now being challenged after the amendment, cannot be struck down.

42. Accordingly, I find that Clause 8 is consistent with established principles of law and in accordance with Rule 24(d) of the said rules. Hence, these writ petitions are dismissed with no order as to costs. Consequently, the



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connected W.M.Ps. are also closed.

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24.02.2025

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Index : Yes / No

Neutral Citation : Yes/No

To

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Home (Police) Department,
Chennai - 600 009.

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

RMT.TEEKAA RAMAN, J.

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Judgment in
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and W.M.P.Nos.23491 of 2013 and W.M.P.No.393 of 2017

24.02.2025