



W.P. Nos. 20484, 20485, 20755 and, 24116 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. Nos. 20484, 20485, 20755 and, 24116 of 2018

W.P.No.20484 of 2018:-

V.Thangaprakasam

... Petitioner

-VS-

1. The Secretary to Government
Home (Police III) Department
Fort St. George, Chennai-9.
2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4.
3. The Superintendent Police
Central Range
Vigilance & Anti-Corruption Department
Chennai-16.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in connection with the impugned order passed by him in R.C.No.A2/25744/2016 dated 14.05.2018 and quash the same and direct the respondents to revise the seniority of the petitioner in the cadre of Gr-II Police Constables at par with his batchmates recruited in the year 1992-1993 and fix his seniority, w.e.f. 1.11.95 and grant him all consequential service and monetary benefits and grant such other further relief.



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W.P. Nos. 20484, 20485, 20755 and, 24116 of 2018

For Petitioner : Mr.K.Venkataramani, Senior Counsel
Assisted by M/s.M.Muthappan

For Respondents : Mr.P.Kumaresan, AAG
Assisted by Mr.Hasan Faizal, SGP

W.P.No.20485 of 2018:-

R.Chandrasekaran

... Petitioner

-VS-

1. The Secretary to Government
Home (Police III) Department
Fort St. George, Chennai-9.
2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4.
3. The Superintendent Police
Central Range
Vigilance & Anti-Corruption Department
Chennai-16.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in connection with the impugned order passed by him in R.C.No.A2/25744/2016 dated 14.05.2018 and quash the same and direct the respondents to revise the seniority of the petitioner at par with the candidates recruited in the year 1992-1993 and fix his seniority, w.e.f. 1.11.95 and grant him all consequential service and monetary benefits and grant such other further relief.



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W.P. Nos. 20484, 20485, 20755 and, 24116 of 2018

For Petitioner : Mr.K.Venkataramani, Senior Counsel
Assisted by M/s.M.Muthappan

For Respondents : Mr.P.Kumaresan, AAG
Assisted by Mr.Hasan Faizal, SGP

W.P.No.20755 of 2018:-

1. M.Chandrasekar
2. S.Sudharsanam
3. Ravi

... Petitioners

-VS-

1. The Secretary to Government
Home (Police III) Department
Fort St. George, Chennai-9.
2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4.
3. The Superintendent Police
Thiruvallur District, Thiruvallur.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in connection with the impugned order passed by him in C.No.A2/28437/2016 dated 03.05.2018 and quash the same and direct the respondents to revise the seniority of the petitioners at par with the candidates recruited in the year 1992-1993 and fix his seniority w.e.f. 1.11.95 and grant him all consequential service and monetary benefits and grant such other further relief.



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W.P. Nos. 20484, 20485, 20755 and, 24116 of 2018

For Petitioners : Mr.K.Venkataramani, Senior Counsel
Assisted by M/s.M.Muthappan

For Respondents : Mr.P.Kumaresan, AAG
Assisted by Mr.Hasan Faizal, SGP

W.P.No.24116 of 2018:-

A.Subbaiah

... Petitioner

-VS-

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

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

3. The Superintendent Police
CCIW CID
Chennai – 600032.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in connection with the impugned order passed by him in R.C.No.A1/EOW/5307/2017 dated 24.07.2017 and quash the same and direct the respondents to revise the seniority of the petitioner at par with the candidates recruited in the year 1992-1993 and fix his seniority, w.e.f. 1.11.95 and grant him all consequential service and monetary benefits and grant such other further relief.



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W.P. Nos. 20484, 20485, 20755 and, 24116 of 2018

For Petitioner : Mr.K.Venkataramani, Senior Counsel
Assisted by M/s.M.Muthappan

For Respondents : Mr.P.Kumaresan, AAG
Assisted by Mr.Hasan Faizal, SGP

COMMON ORDER

These writ petitions has been filed to call for the records of the third respondent in connection with the impugned orders passed on 03.05.2017, 24.07.2017 and 14.05.2018 and quash the same and direct the respondents to revise the seniority of the petitioners on par with the candidates recruited in the year 1992-1993 and fix his seniority, w.e.f. 01.11.1995 and grant him all consequential service and monetary benefits and grant such other further relief.

2. Heard Mr.K.Venkataramani, learned Senior Counsel assisted by Mr.M.Muthappan, learned counsel for the petitioners and Mr.P.Kumaresan, learned Additional Advocate General assisted by Mr.Hasan Faizal, learned Special Government Pleader appearing for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioners claim that they have been appointed during the recruitment year 1992-1993 to the post of Grade II Police Constable, but they



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got the appointment pursuant to the Government Order dated 10.05.1999. The

claim of the petitioners is that they have been selected only in the selection process conducted in the year 1992 and hence, they are entitled to the seniority on par with the candidates, who have been selected and appointed during the recruitment year 1992-1993.

4. The learned Senior Counsel appearing for the petitioners submitted that the petitioners have participated in the selection process only during the recruitment year 1992-1993 and hence, they cannot be placed under the seniority list under some other recruitment. In support of his contention, he placed reliance on the judgment of the Supreme Court in *A.Raghu Vs. State of A.P.* Reported in (2015) 14 SCC 221, wherein it is held that for candidates who had participated in a common process of selection, irrespective of the dates on which they were deputed for training, their *inter se* seniority has liable to be determined on the basis of the aggregate marks obtained by them, at the final examination at the police training college.

5. The learned Additional Advocate General appearing for the respondents submitted that the petitioners' claim is not as simple as how they have presented, but they got their appointment only in pursuant to the Government



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Order issued in G.O.Ms.No.1339, Home (Pol-3) Department dated 01.10.1999.

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In the said Government Order there is a condition that their selection will be done during the recruitment year 1997-1998 and their seniority will also be below the 4000 Grade II Police Constables selected during the said recruitment year 1997-1998.

6. During the year 1992-1993, Tamil Nadu Uniformed Services Recruitment Board had taken up the selection process for an estimated vacancy of 10,000 posts of Grade II Police Constables. A final list of 10,624 candidates was prepared. While preparing the selection list on communal rotation, 376 vacancies ear-marked for the candidates belonged to SC/ST category could not be filled up due to the non-availability of candidates falling under the said category. So, the candidates belonged to other communities were sent for medical examination and finally 329 candidates were found to be fit for appointment. In the meanwhile, 376 backlog vacancies were ear-marked for the candidates belonging to SC/ST category to be filled up by special recruitment during the selection year 1995-1996 and they have been appointed. So, the Government has dropped 329 candidates, who belonged to other communities and sent them for medical examination. Hence, appointment orders were not issued to him.

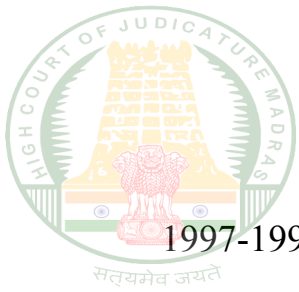


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7. As the unsuccessful 329 candidates have been making representations to the Government from time to time, on the floor of the Assembly, the Hon'ble Chief Minister had announced that the 329 candidates will be accommodated in the recruitment year 1997-1998 and in that regard, Government Order was also issued in G.O.Ms.No.1339 dated 01.10.1999. Consequently, appointment orders were released to 329 candidates on 10.05.1999.

8. The petitioners are only the beneficiaries of the Government Order issued in G.O.Ms.No.1339 dated 01.10.1999. Their appointments were not done straightly for the appointment year 1992-1993 as claimed by them. The petitioners have also accepted the Government Order issued in G.O.Ms.No.1339 dated 01.10.1999 and the subsequent appointment orders given in terms of the same.

9. In fact, in the appointment orders itself, it has been specifically referred that the appointment has been given to the petitioners only in accordance with G.O.Ms.No.1339 dated 01.10.1999 and they have been accommodated in the recruitment year 1997-1998. The petitioners accepted the above appointment orders. They have not applied to the posts notified for the recruitment year



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1997-1998 and they were complacent with the issuance of the Government

WEB COPY Order in G.O.Ms.No.1339 dated 01.10.1999, where they were assured to be accommodated in the recruitment year 1997-1998.

10. In the said Government Order, para 6 would state that the seniority of these candidates falling under the group of 329 would be reckoned by placing them below 4000 Grade II Police Constables selected during 1997-1998 recruitment. Having accepted the appointment as per the Government Order in G.O.Ms.No.1339 dated 01.10.1999 and not challenging the Government Order and the appointment orders, and also by serving nearly for 20 years, all of a sudden, these petitioners have filed these petitions by claiming seniority on par with the 1992-1993 batch of Grade II Police Constables. As the petitioners' recruitment was made in pursuant of the Government Order issued in the year 01.10.1999 and in the absence of the same, the petitioners would not have entered into the Police Service itself, they cannot claim parity with the earlier batch of Grade II Police Constables, who have been recruited in the year 1992-1993.

11. To be noted, these petitioners though participated in the selection process for the recruitment year 1992-1993, they were not selected and appointed in the



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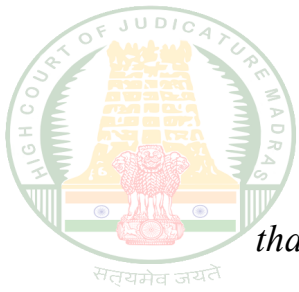
said recruitment year. Once the Government thought it fit that these candidates

shall be accommodated against 329 vacancies out of 10,000 total vacancies

called for in the recruitment year 1992-1993, in view of the non-availability of the candidates belonging to the SC/ST category. However, the backlog vacancies of the candidates belonging to the SC/ST category have also been filled up in the year 1996 through a special recruitment. As the petitioners have been sent for medical examination and given with the belief that they would also be considered for appointment, the Government was benevolent to issue the later Government Order in the year 1999 to accommodate them also in the police service, however, with the reservation that they can be accommodated only in the subsequent year 1997-1998. The petitioners also accepted the above condition and joined service and have been rendering their services as well.

12. On the same line, the Division Bench of this Court has rendered a judgment in a batch of Writ Appeals in W.A. Nos. 30 of 2022 etc., batch in ***Principal Secretary to Government Vs. S.John Benjamin*** by making the following observations:-

“18. It is only by an extraordinary gesture, 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



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that the appointees cannot claim seniority vis-à-vis their batch

i.e., 1994-1995 and that they will be kept below the persons who are 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 the writ petitioners of the G.O.MS.No.1281, dated 22.09.1999 would estop the writ petitioners from challenging the very same G.O thereafter. The petitioners cannot be permitted to approbate and reprobate.

19. Further, the Writ Petitioners also executed an undertaking voluntarily pursuant to the condition in the said G.O.MS.No.1281 and they did not question the Government Order until the year 2009. Therefore, there was no question of any statutory right being violated by the Government Order. If only the petitioners were 'selectees' i.e., if only the petitioners who are within the 1092 candidates like the respondent J.Pratap Prem Kumar in the earlier judgment of the Division Bench in W.A.No.1581 of 2010, the petitioners can press into Service Rule 25A and that their seniority should be along with their batch mates. In this case, they are not the batch mates of 1994-1995 as



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they did not come within the zone of consideration. It is on sympathetic consideration dehors the law, the Government has appointed them vide G.O.MS.No.1281 and if the sympathetic consideration comes with a condition, the writ petitioners have to abide by the condition and as a matter of fact, they have also complied with it by executing an undertaking. In all the other cases cited, including the decided cases or the Government Orders conferring the benefit of retrospective seniority along with batch mates, it can be seen that the respective candidates would have been selected in the batch. But, however, the appointment has been belatedly given pursuant to administrative delay or any error of rejection on the basis of Police verification, certificate verification etc., which was corrected later. The distinguishing feature in this case is that writ petitioners were never 'selected' in the year 1994-1995."

13. Even though the petitioners have participated in the selection process for the recruitment year 1992-1993, they are unsuccessful and due to various circumstances as elaborated above, the petitioners have been accommodated by virtue of the special Government Order, which has accommodated them in the



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recruitment year 1997-1998. Hence, the petitioners cannot get the benefit of the

above seniority to claim seniority from the recruitment year 1992-1993. As the

petitioners stand on a different footing altogether in view of the circumstances

and the events stated above, they are not entitled to the reliefs as prayed.

14. In the result, these Writ Petitions are dismissed. No costs.

08.04.2025

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

Maya

To

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Home (Police III) Department
Fort St. George, Chennai-9.
2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4.
3. The Superintendent Police
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R.N.MANJULA, J.

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