



W.P.Nos.17216 of 2018 & 27243 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.12.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.Nos.17216 of 2018 & 27243 of 2017

and

W.M.P.Nos.20491 of 2018 & 29095 of 2017

1. S.Jayakumar
S/o.V.Sankaranarayanan
Assistant Sub-Inspector of
Railway Protection Force
Bomb Squad
Chennai.
2. L.Paul Pandian
S/o.Lakshmana Perumal
Assistant Sub-Inspector of
Railway Protection Force
Chennai Central,
Chennai.
3. P.Balaiah
S/o.M.Puthiyavan
Assistant Sub-Inspector of
Railway Protection Force
Chennai Central,
Chennai.
4. D.Rajaswari Karthippan
W/o.K.Balamurugan
Assistant Sub-Inspector of



W.P.Nos.17216 of 2018 & 27243 of 2017

Railway Protection Force
Mambalam Station,
Chennai.

5. L.Karthikeyan
S/o.M.Lakshmana Samy
Assistant Sub-Inspector of
Railway Protection Force
Mambalam Station
Chennai.
6. A.Jhonson Jayakumar
S/o.C.Appavoo
Assistant Sub-Inspector of
Railway Protection Force
Carriage Works, Perambur,
Chennai.

... Petitioners
in W.P.No.17216 of 2018

1. K.Prabakar
S/o.M.Krishnan
Assistant Sub-Inspector of
Railway Protection Force
ICF Shell Perambur
Chennai.
2. P.Chithiraivasan
S/o.Parameswaran
Assistant Sub-Inspector of
Railway Protection Force
Intelligent Vigilance Group
Head Quarts
Chennai.



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W.P.Nos.17216 of 2018 & 27243 of 2017

3. P.T.Balasubramaniam
S/o.M.Balakrishnan Nair
Assistant Sub-Inspector of
Railway Protection Force
Crime Cell, Palghat
Keralat.
4. D.Arun Kumar
S/o.V.Durairaj
Assistant Sub-Inspector of
Railway Protection force
Intelligent Vigilance Group
Head Quarts
Chennai.
5. V.K.Ramesh
S/o.A.Vivekanandan
Assistant Sub-Inspector of
Railway Protection Force
Special Investigation Branch
Chennai.
6. B.Gomathi
W/o.M.Balasubramanian
Assistant Sub-Inspector of
Railway Protection force
Training Center
Trichy.
7. S.Rathinavelu
S/o.M.S.Shanmugam
Assistant Sub-Inspector of
Railway Protection Force
New Head Quarters, Chennai.



W.P.Nos.17216 of 2018 & 27243 of 2017

8. T.Shaju Thomas
S/o.P.F.Thomas
Assistant Sub-Inspector of
Railway Protection Force
Palghat Division
Calicut.
9. N.Chidambaram
S/o.M.Nagu
Assistant Sub-Inspector
Railway Protection Force
Training Center Timber Garden
Thiruchirappalli.

... Petitioners
in W.P.No.27243 of 2017

vs.

1. Union of India
Ministry of Railways
Rep. by Director General
RPF, Rail Bhavan
New Delhi.
2. The Chief Security Commissioner
Office of the Railway Protection Force
Moor Market Complex
Southern Railway
Chennai-3.
3. The Divisional Security Commissioner
Office of the Railway Protection Force
Chennai Division,
NGO Annexure Building, 5th Floor
Park Town, Chennai-03.

... Respondents
in both WPs

... 3rd respondent
in W.P.No.17216 of 2018



W.P.Nos.17216 of 2018 & 27243 of 2017

Writ Petition No.17216 of 2018 filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the respondents in connection with the impugned order passed by the third respondent in No.M/XP/612/Seniority/ASIPF/17 dated 21.11.2017, quash the same and further direct the respondents to regularize the petitioner's service in the cadre of Assistant Sub-Inspector of Railway Protection Force from the date of completion of institutional training in the year 2012 with all consequential service and monetary benefits.

Writ Petition No.27243 of 2017 filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the respondents in connection with the impugned order passed by the second respondent in No.X/P/612/ASI/Seniority dated 16.05.2017, quash the same and further direct the respondents to promote the petitioner in the cadre of Assistant Sub Inspector of Railway Protection Force from the date of completion of institutional training in the year 2012 with monetary benefits.

For Petitioner in both WPs	:	Mr.K.S.Viswanathan Senior Counsel Mr.A.Tamilrajan
For Respondents	:	Mr.M.Vijay Anand Standing Counsel in W.P.No.21243 of 2017 Mr.P.T.Ramkumar Standing Counsel in W.P.No.17216 of 2018



W.P.Nos.17216 of 2018 & 27243 of 2017

COMMON ORDER

The challenge in these writ petitions is to the orders dated 16.05.2017 and 21.11.2017 passed by the second and third respondents respectively. Therefore, this Court has taken up both the writ petitions together and disposed of them by a common order. By the said order, the representation submitted by the petitioners seeking promotion to the post of Assistant Sub-Inspector from the date of completion of institutional training came to be rejected.

2. The Facts of the case:

2.1. While the petitioners were working as Head Constables, the respondents issued a notification dated 16.06.2011, inviting applications for the post of Assistant Sub-Inspector (Executive Branch), out of which 40% of the posts were reserved for in-service candidates. The petitioners, who were eligible and entitled to be considered for selection to the said post, participated in the selection process and were declared successful in all stages of selection. Thereafter, the petitioners were sent for institutional



W.P.Nos.17216 of 2018 & 27243 of 2017

training for a period of six months and successfully completed the training.

2.2. Though the petitioners completed the institutional training on 16.03.2012, they were not permitted to join duty owing to the pendency of the writ petitions in W.P.Nos.10650, 19801 of 2010 and 18175 of 2011 filed by third parties challenging the recruitment process pertaining to the year 2009. W.P.Nos.10650 and 19810 of 2010 were allowed on 05.04.2011 and WP.No.18175 of 2011 was allowed on 23.04.2014. By the said orders, a direction was issued to recast the vacancies.

2.3. The petitioners contended that since the direction issued in W.P.No.18175 of 2011 would affect their appointment, they filed a writ appeal in W.A.No.1820 of 2012 along with an application seeking leave to file the writ appeal. The said writ appeal was allowed and the order passed by the learned single Judge was set aside and the matter was remanded to the learned single Judge for fresh consideration by order dated 04.02.2014. Pursuant thereto, after hearing all parties concerned, the learned single Judge dismissed the said writ petition with costs vide order dated 23.04.2014.



W.P.Nos.17216 of 2018 & 27243 of 2017

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Thereafter, the said order was challenged by third parties before the Hon'ble Division Bench in W.A.No.633 of 2014, which came to be dismissed on 12.02.2015. Thereafter, the petitioners were permitted to join duty on 06.05.2014.

2.4. While the petitioners were serving as Assistant Sub-Inspector, the respondents published the seniority list of Assistant Sub-Inspector on 26.04.2016, wherein the date of joining duty was shown as 06.05.2014, which adversely affected the seniority of the petitioners and their promotional prospects. Consequently, the petitioners submitted representations to the respondents seeking revision of the seniority list by reckoning the date of seniority as the date of completion of institutional training. However, the said representations came to be rejected by the impugned orders. Hence, the present writ petitions.

3. The learned counsel for the petitioners submitted that the petitioners had completed the institutional training on 16.03.2012 and that there was no fault on their part. Since they were permitted to join duty



W.P.Nos.17216 of 2018 & 27243 of 2017

belatedly for reasons beyond their control, the seniority ought to be reckoned from the date of successfully completion of institutional training and not from the date of joining duty, as otherwise it would adversely affect their promotional prospects.

4. In response, the learned counsel for the respondents submitted that although the petitioners were permitted to join duty on 06.05.2014, the representation was made only on 02.01.2017, after a lapse of three years and such a belated claim cannot be entertained as it would adversely affect the seniority of other similarly situated persons. It was further submitted that, for the purpose of reckoning seniority, the date of joining duty alone is the relevant criterion and the date of completion of institutional training cannot be taken into account. According to the learned counsel, the seniority list published by the respondents does not suffer from any illegality and in the absence of any infirmity in the impugned order, the same does not warrant interference. Accordingly, dismissal of the writ petition was sought.



W.P.Nos.17216 of 2018 & 27243 of 2017

WEB COPY 5. Heard the learned counsel on either side and carefully perused the materials on record.

6. The facts relevant to the writ petitions have already been adverted to in the preceding paragraphs and therefore, are not reiterated herein to avoid repetition. Pursuant to the recruitment notification, the petitioners and other successful candidates were sent for institutional training, which they successfully completed. However, the petitioners were not permitted to join duty on account of the pendency of writ petitions filed by third parties, whereas other candidates, who had successfully completed the institutional training along with the petitioners were permitted to join duty on 29.03.2012.

7. The respondents denied permission to the petitioners to join duty solely on the ground that certain writ petitions filed by third parties were pending. Admittedly, the appointment of the petitioners was not under challenge in those writ petitions and there was no stay order restraining the respondents from permitting the petitioners to join duty. In the absence of



W.P.Nos.17216 of 2018 & 27243 of 2017

any such legal bar, the respondents were not justified in preventing the petitioners from joining duty, especially when the petitioners had successfully completed the institutional training and were otherwise eligible for appointment.

8. Even assuming that the pendency of the writ petitions caused some difficulty, the delay in permitting the petitioners to join duty was entirely on the part of the respondents and not due to any fault of the petitioners. An employee cannot be made to suffer for administrative delay. Therefore, fixing the seniority of the petitioners based only on the date of joining duty, instead of the date of completion of institutional training, is arbitrary and discriminatory, particularly when similarly placed persons have been granted seniority from the date of completion of training. Such action violates Articles 14 and 16 of the Constitution of India.

9. Though the petitioners joined duty on 06.05.2014, the seniority list of the Assistant Sub-Inspector was published on 26.04.2016 and the petitioners submitted their representation immediately thereafter on



W.P.Nos.17216 of 2018 & 27243 of 2017

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02.07.2017, seeking revision of seniority. The petitioners cannot be said to have slept over their rights, as they approached the respondents promptly after publication of the seniority list. Consequently, the contention of the learned counsel for the respondents that the claim of the petitioners is stale and would affect the rights of other similarly situated persons is misplaced and cannot be accepted.

10. In the light of the foregoing discussion, this Court is of the considered view that the petitioners, having completed the institutional training on 16.03.2012, are entitled to have their seniority reckoned notionally from the date of completion of such institutional training. Accordingly, the captioned Writ Petitions are allowed. The impugned orders dated 16.05.2017 and 21.11.2017 passed by the second and third respondents respectively are hereby quashed.

11. The respondents are directed to revise the seniority list of the petitioners by reckoning the date of completion of institutional training i.e., 16.03.2012, as the relevant date for the purpose of fixing seniority notionally



W.P.Nos.17216 of 2018 & 27243 of 2017

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and to extend all consequential benefits flowing therefrom. The said exercise shall be completed by the respondents within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

18.12.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To

1. Union of India
Ministry of Railways
Rep. by Director General
RPF, Rail Bhavan
New Delhi.
2. The Chief Security Commissioner
Office of the Railway Protection Force
Moor Market Complex
Southern Railway
Chennai-3.
3. The Divisional Security Commissioner
Office of the Railway Protection Force
Chennai Division,
NGO Annexure Building, 5th Floor
Park Town, Chennai-03.

Page Nos.13/14



WEB COPY



W.P.Nos.17216 of 2018 & 27243 of 2017

HEMANT CHANDANGOUDAR, J.,

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W.P.Nos.17216 of 2018 & 27243 of 2017

18.12.2025

Page Nos.14/14