



W.P.No.19665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.19665 of 2023 and
W.M.P.No.18924 of 2023

R.Deenadayalan

...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 Joint Commissioner of Police,
South zone, Greater Chennai Police,
St.Thomas Mount, Chennai - 16.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent in connection with the impugned order passed by him in Rc.No.Estt.II(1)/SZ/1775/2023 dated 19.04.2023, quash the same and direct the respondents to restore the seniority of the Petitioner at par with his original batchmates, who were appointed into service on 01.12.2003 in the cadre of Grade II Police Constable and grant him all consequential service and monetary benefits.



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W.P.No.19665 of 2023

For Petitioner : Mr.K.Venkataramani, Senior Counsel
for Mr.M.Muthappan.
For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

The writ petition is filed for the relief herein below set out:

calling for the records of the 3rd Respondent in connection with the impugned order passed by him in Rc.No.Estt.II(1)/SZ/1775/2023 dated 19.04.2023, quash the same and direct the respondents to restore the seniority of the Petitioner at par with his original batchmates, who were appointed into service on 01.12.2003 in the cadre of Grade II Police Constable and grant him all consequential service and monetary benefits.

2. The brief facts which has culminated in the filing of this writ petition are set out below:

2.1. It is the case of the petitioner that based on an advertisement issued by the Tamil Nadu Uniformed Services Recruitment Board, the petitioner had applied for the selection and appointment to the post of Grade-II Post Constable in the Tamil Nadu Subordinate Services for the year 2002-2003.

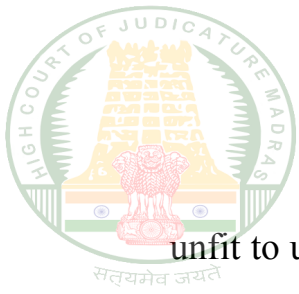


W.P.No.19665 of 2023

The petitioner was a graduate and fully qualified, therefore, he applied for the post. His application was admitted and he came out successful in all stages of selection. The selection list was displayed on 15.09.2003 and he was one among the selected candidates who were directed to undergo medical examination in the last week of October 2003 and thereafter, there was no information on the side of the respondent.

2.2. In view of the silence, the petitioner had made a representation to the 2nd respondent by his letter dated 26.12.2003, stating that he had been suffering from eye defect and for which he had undergone surgery at Sankara Nethralaya. His vision had been corrected and restored to normal condition. There was no response to this. Therefore, the petitioner had approached the Tamil Nadu Administrative Tribunal by filing O.A.No.40 of 2004 seeking direction for a second medical test as the petitioner was not suffering from any eye deficiency. His application was dismissed.

2.3. Challenging the same, the petitioner had filed W.P.No.3228 of 2004. In the course of the arguments, the petitioner had made a representation that the Government had allowed the persons who were initially found medically



W.P.No.19665 of 2023

unfit to undergo second medical examination and on the basis of the results of the such medical examination, they were offered appointments. The Hon'ble Bench had observed that this statement was not backed by any material. But the Court went on to record the statement of the learned Counsel for the Petitioner that he would make a fresh representation to the Government.

3. The Hon'ble Bench ordered that if such representation was made, it shall be considered and appropriate orders passed there on. Pursuant to the said order, the petitioner had made a fresh representation to the Government and the same was accepted and the petitioner was directed to appear for a medical examination for the second time. In the medical examination conducted on 28.12.2004, the petitioner was found fit and he was appointed as Grade-II Police Constable. The appointment order was also issued by the Commandant, TSP X Battalion, Ulundurpet on 30.06.2025. On completion of the training, the petitioner was posted to TSP Palani and on completion of four years of service, the petitioner had been transferred to the District Armed Reserve and he is now serving in the Chennai City Police.

4. The petitioner would submit that though he had joined service on



W.P.No.19665 of 2023

10.07.2005, his original seniority has to be restored to 01.12.2003, which was

the date of appointment of his batchmates. He was not selected in December 2003 owing to his eye defect. After the second medical examination, he has been appointed to service. He would contend that there is a delay in conducting medical examination, although the petitioner had made a representation as early as in December 2003 and the medical examination was only conducted pursuant to the orders of this Court in W.P.No.3228 of 2004 that too ten months after the order. The delay in conducting the second medical examination was only on account of the Respondent, and the petitioner cannot be found fault.

5. He would submit that the rejection of his request was on the ground that there was a delay in the process of appointment by the respondents. However, the petitioner would submit that for similarly placed persons, the delay has been overlooked and not taken as a defense. He would submit that he should be given the same benefit as that of his batch mates. Therefore, the writ petitioner is before this Court.

6. Heard the learned Counsels on either side and perused the records.



W.P.No.19665 of 2023

WEB COPY

7. A reading of the impugned order would show that the dismissal was only on the ground that as per Section 40(6) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, an application for revision of the seniority should be submitted to the appointing authority within three (3) years from the date of appointment. Any application received thereafter will be summarily rejected.

8. A perusal of the records submitted by the petitioner would clearly indicate that on coming to know about the reason for the original non-consideration of his application he had filed W.P.No.3228 of 2004 and by order dated 15.03.2004, the writ petition was disposed with a direction to the petitioner to submit a fresh application and to undergo second medical examination. In the second medical examination, the petitioner had cleared the eye defect and he had been appointed as Grade-II Police Constable on 30.06.2005 and an application for consideration and regularization was made on 14.03.2015.

9. The perusal of the order in W.P.No. 8982 of 2021, it is seen that over



W.P.No.19665 of 2023

131 candidates had filed the above writ petition to quash the impugned order

rejecting their request, for seniority and directed the respondent to revise and grant seniority to the petitioner along with those who have been appointed in the batch of Grade-II Post Constable. This Court had taken note of the fact that the representations had been made as early as 2018, ultimately the writ petition was allowed and the respondents were directed to fix the petitioner's seniority along with those appointed Grade II Police Constable. The Government had given effect to this order by memorandum dated 29.05.2025 in and by which the orders of the Court had been implemented. Yet another candidate, Saravanan had filed W.P.No.15171 of 2004. He also had a similar defect of deficiency on eye sight and in the second medical examination, he has been found fit that he could discharge his duties as Grade II Post Constable. The said Saravanan had made an application in the year 2022. The Court had considered the same and relying upon the earlier orders had allowed the writ petition.

10. The petitioner is similarly placed and in the light of the fact that the respondents have complied with the orders of the Court in respect of applications which have been filed as late as in the year 2018 and 2022. The



W.P.No.19665 of 2023

writ petition is allowed and the impugned order is quashed and the respondent

is directed to restore the seniority of the petitioner on par with his original

batch mates, who were appointed into service on 01.12.2003 in the grade of

Grade-II Police Constable and grant him all consequential service and

monetary benefits. Consequently, connected miscellaneous petition is closed.

There shall be no order as to costs.

19.08.2025

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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