



W.P.Nos.41857, 41860 and 41863 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.41857, 41860 and 41863 of 2025

and

W.M.P.Nos.46897, 46900 and 46903 of 2025

R.Devar ... Petitioner in 41857 of 2025

P.Ganesan ... Petitioner in 41860 of 2025

V.Sivasankar ... Petitioner in 41863 of 2025

Vs

1. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 4.

2. The Superintendent of Police,
District Police Office,
Cuddalore District.

... Respondents in all W.Ps

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the second respondent issued in C.No.A2/E-7034704/2024 dated 24.07.2024 and quash the same with the consequential



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direction, directing the respondents to refix his seniority on par with his Batch mates, in the light of orders of this Court made in W.P.No.198872 of 2018 dated 02.08.2018 and the order of implementation issued by the first respondent dated 24.04.2019 issued in favour of Thru.K.Paramasivam, with all attendant benefits to the petitioner.

For Petitioner
in all W.Ps : Mr.V.Ravikumar

For Respondents
in all W.Ps : Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed challenging the orders dated 24.07.2024 passed by the second respondent, thereby rejecting the request made by the petitioners seeking re-fixation of their seniority on par with their batchmates.

2. The petitioners were enlisted as Grade-II Police Constables and subsequently upgraded as Grade-I Police Constables. Thereafter, they were upgraded to the post of Head Constables and finally, they were promoted to the post of Special Sub-Inspector of Police. Since the petitioners were



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involved in a criminal case, they were not deputed for training. After order of acquittal, the petitioners were appointed as Grade-II Police Constables. Therefore, they have submitted representation to fix their seniority on par with their batch mates with consequential monetary benefits. However, it was rejected on the ground that Section 40(6) of the Tamil Nadu Government Servant (Condition of Service) Act, 2016, a person applying revision of his service seniority has to submit his request within three years from the date of his appointment. However, the petitioners did not submit any representation for revision of their scale of pay as well as the seniority within a period of three years from the date of their appointment.

3. The same issue has been dealt with by this Court in several petitions and held that the Rule will not be applicable for the cases for rectifying orders resulting from mistake of facts. Further, section 40(6) of the Act stipulates that a person applying for revision of his service seniority has to submit his request within three years from the date of his appointment.



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4. Admittedly, the petitioners were involved in a criminal case and as such, they were appointed belatedly. Therefore, the petitioners' request for re-fixation of their service seniority was rightly rejected by the second respondent since it was not happened due to any mistake of facts. Therefore, this Courts finds no infirmity or illegality in the orders passed by second respondent and these Writ Petitions are devoid of merits.

5. In the result, these Writ Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

11.11.2025

Index:Yes/No
Neutral Citation/Yes/No
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To

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