



W.A.(MD) No.524 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A.(MD)No.524 of 2019

and

C.M.P(MD)No.4406 of 2019

B.Thirumalai

... Appellant/
Petitioner

-Vs-

- 1.The Director General of Police,
Chennai – 600 004,
Tamil Nadu.
- 2.The Inspector General of Police,
South Zone,
Madurai.
- 3.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul District.
- 4.The Superintendent of Police,
Theni,
Theni District.



W.A.(MD) No.524 of 2019

5. The Superintendent of Police,
Dindigul,
Dindigul District.

6. T.Sekar,
Armourer,
Dindigul Armed Reserve Police,
Dindigul District.

7. M.Lingadurai
Head Constable,
S/o.Mokkasamy,
E-14, Old AR Resident,
Master Complex,
Armed Force,
Theni District.

...Respondents/
Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order, dated 21.12.2018 made in W.P(MD)No.12841 of 2018.

For Petitioner	: Mr.B.vijay Karthikeyan
For R1 to R5	: Mr.B.Ramanathan Additional Government Pleader
For R6	: Mr.S.Louis

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

The appeal is filed by the petitioner, who lost his writ petition before the learned Single Judge seeking certiorarified Mandamus to call for the impugned C



W.A.(MD) No.524 of 2019

list for promotion as Head Constable issued by the Deputy Inspector General of Police, Dindigul Range, on 18.04.2018 and to quash the same.

2. The learned Single Judge dismissed the petition in view of the fact that the writ petitioner and the sixth respondent are from two different parent units, namely, Dindigul District and Theni District. So, he cannot seek for mono block seniority, hence, held the claim of the writ petitioner seeking seniority above the sixth respondent, by name, Sekar, is un-sustainable,

3. According to the learned counsel appearing for the appellant, the appellant joined service as Grade II Police Constable on 01.11.1997 whereas the sixth respondent joined service as Grade II Police Constable on 24.05.1999. The C list drawn for the Dindigul Range vide order of the Deputy Inspector General of Police, dated 18.04.2018 fixed the sixth respondent above him in the seniority list. So being aggrieved, he gave a representation for mono block seniority list, which has been rejected. The learned counsel for the appellant emphasized that the date of seniority has to be reckoned from the date of his joining service in the Dindigul District and the said fact has been reiterated by the communication of the Director General of Police vide Memorandum, dated 06.03.2018.

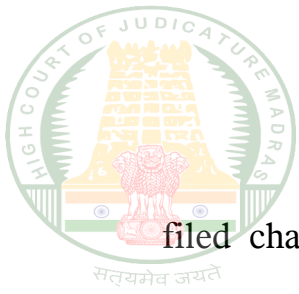


W.A.(MD) No.524 of 2019

WEB COPY

4. The learned Government Advocate appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent would submit that the claim of seniority above the sixth respondent Sekar rejected by the Director General of Police in his proceedings, dated 06.03.2018 clarifying the position that the seniority of police Constable to be reckoned from the date of joining service in the parent unit. Their service in special unit like CID Wing, PTC, PRSs, OCIU, TNUSRB, V&AC etc., cannot be taken into account for considering the seniority. The learned counsels appearing for the respondents would submit that the appellant herein though joined service in the Dindigul District in the year 1997, he was posted at Madurai Special unit and thereafter on his request, he was transferred to Theni District, Since it is a request transfer to different Districts, he has relinquished seniority and thus, the seniority is fixed at Theni District from the date of his joining at Theni District. After relinquishing the seniority at Dindigul Districts, the request of the appellant to take advantage of his relinquished seniority in Dindigul District cannot be revived.

5. It is further brought to the notice of this Court that the promotion of the sixth respondent as Head Constable was on 30.12.2009. The appellant was promoted as Head Constable on 08.04.2010. After 8 years, the writ petition was



W.A.(MD) No.524 of 2019

filed challenging the C panel drawn on 18.04.2018 for considering the Head Constable for further promotion as Sub Inspector. It is also brought to the notice of this Court that the appellant is presently promoted as Sub Inspector of Police, Theni District, vide proceedings, dated 08.08.2023 and he has also joined duty.

6. The record indicates that the appellant though joined service as Grade II Police Constable at Dindigul District, he had relinquished his seniority and got transferred to Theni District. Since then, his seniority been considered within the cadre in Theni District. Taking it as his parent District, he has been duly promoted as Head Constable in the year 2010 and his probation was declared in the year 2012 on completion of two years of service as Head Constable. Presently, he has been further promoted as Sub Inspector of Police. His grievance that the sixth respondent, namely, Sekar, who is junior to his service has been promoted ahead to him as Head Constable carry no merit in view of that fact that the appellant relinquished his seniority in Dindigul District and had got transferred to join the Theni District based on his request and with undertaking not to take any claim of seniority in Dindigul District.



W.A.(MD) No.524 of 2019

7. For all purpose, the parent unit of the appellant had become Theni

District. Therefore, there is no merit in this appeal and hence, the appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[G.J., J.] & [R.P., J.]

13.02.2025

SN

NCC : Yes / No

Index : Yes / No

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Page 6 of 7



WEB COPY



W.A.(MD) No.524 of 2019

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