



*W.P.(MD)Nos.11004 of 2024 and 10996 of 2025*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

RESERVED ON : 22.10.2025

DELIVERED ON : 28.11.2025

CORAM

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.(MD)Nos.11004 of 2024 and 10996 of 2025**

**and**

**W.M.P.(MD)Nos.9798 to 9800 of 2024 and 8199, 8201 and 8204 of 2025**

**in W.P.(MD) No.11004 of 2024:-**

1.S.Padalinga Sekar

2.T.Rajamurugan

3.K.Solairajan

4.K.Seenivasan

5.P.Thamarai Kannan

6.N.Senthilkumaran

7.R.Thangabalu

8.T.Balaji

... Petitioners

vs.

1.The Principal Secretary to the Government,  
Personnel and Administrative Reforms (B) Department,



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Government of Tamilnadu,  
Chennai.

2.The Principal Secretary to Government,  
Home (Police V) Department, Government of Tamilnadu,  
Chennai.

3.The Director General of Police,  
Head of Police Force, Tamil Nadu,  
Chennai.

4.The Additional Director General of Police,  
Administration,  
Chennai 600 004.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 4th respondent in the proceedings in C. No. 4374599/NGB II(1)/2023-1 dated 30.10.2023 and quash the same and consequently directing the respondents to include the name of the petitioners in the C List of Assistants fit for promotion to the post of Superintendents and promote the petitioners as Superintendents for the year 2023-24 taking into account their date of completion of departmental qualification tests, together with all consequential service and monetary benefits.

For Petitioners :Mr.S.Ramasundar Vijayraj



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For R1 to R4

: Mr.M.Sidharthan  
Additional Government Pleader

**in W.P.(MD) No.10996 of 2025:-**

D.Ramesh

... Petitioner

vs.

- 1.The Principal Secretary to the Government,  
Personnel and Administrative Reforms (B) Department,  
Government of Tamilnadu,  
Chennai.
- 2.The Principal Secretary to Government,  
Home (Police V) Department, Government of Tamilnadu,  
Chennai.
- 3.The Director General of Police,  
Head of Police Force, Tamil Nadu,  
Chennai.
- 4.The Director General of Police,  
Administration,  
Chennai 600 004.
- 5.K.R.Deepa
- 6.G.Sudha
- 7.S.Thiranya
- 8.J.Rama



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9.K.Indhumathi

*(R5 to R9 have been impleaded vide order  
dated 02.09.2025)*

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 4th respondent in the proceedings in C. No. 8721847/NGB II(1)/2024-1 dated 04.03.2025 and quash the same and consequently directing the respondents to include the name of the petitioners in the C List of Assistants fit for promotion to the post of Superintendents and promote the petitioner as Superintendent taking into account their date of completion of departmental qualification tests, together with all consequential service and monetary benefits.

For Petitioner :Mr.S.Ramasundar Vijayraj

For R1 to R4 : Mr.M.Sidharthan  
Additional Government Pleader

For R5 to R9 : Mr.G.Prabhu Rajadurai



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### **COMMON ORDER**

W.P.(MD) No.11004 of 2024 has been filed challenging the order passed by the fourth respondent in C.No.4374599/NGB II(1)/2023-1 dated 30.10.2023 and to direct the respondents to include the names of the petitioners in the 'C' List of Assistants fit for promotion to the post of Superintendents and promote the petitioners as Superintendents taking into account their date of completion of departmental qualification tests, together with all consequential service and monetary benefits.

2.W.P.(MD) No.10996 of 2025 has been filed challenging the order passed by the fourth respondent in C.No.8721847/NGB II(1)/2024-1 dated 04.03.2025 and to direct the respondents to include the name of the petitioner in the 'C' List of Assistants fit for promotion to the post of Superintendents and promote the petitioner as Superintendent taking into account their date of completion of departmental qualification tests, together with all consequential service and monetary benefits.

3.The learned counsel for the petitioners submits that the petitioners were appointed as Junior Assistants on various dates and became eligible for promotion



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to the post of Assistants in the year 2016. In the meantime, direct recruitment was conducted for the posts of Assistants through Tamil Nadu Public Service Commission and the persons selected were all appointed prior to the promotion of the petitioners as Assistants in the year 2013. 'C' list of Assistants fit for promotion as Superintendent for the year 2023-24 was issued on 30.10.2023, on the basis of the appointment to the post of Assistants, which according to them, is arbitrary and discriminatory manner.

4.He would further submit that as per statutory Rules, only 50% of the vacancies to the post of Assistant can be filled up by direct recruitment and the remaining 50% of the post should be filled up by promotion. The ratio for direct recruitment and also promotions should have been maintained appropriately. However, the respondents have failed to follow the same.

5.Relying upon the judgment of the Division Bench of this Court in W.A. (MD) No.836 of 2018 etc., batch, which had dealt with an identical issue, he would submit that the Division Bench of this Court was pleased to set aside the 'C' list and directed the respondents to prepare a fresh seniority list. In compliance



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of the above Division Bench judgment, amendments were issued in G.O.Ms.No. 106 P & AR (B) Department, dated 01.09.2020. As per the above amendments, ration of 1:2 had been fixed for promotion to the post of Superintendent from eligible Assistants directly recruited *vis-a-vis* the promotes.

6.He would further submit that now the respondents have prepared a 'C' list without making an annual list of approved candidates and seniority list of Assistants and had taken steps for granting promotions to the post of Superintendent. Cyclical inter se seniority list had been directed to be fixed by the Division Bench of this Court irrespective of the date of joining their duties.

7.He would further submit that without following the process of cyclical inter se seniority list, the petitioners are being denied the promotions to the next higher category, namely, the Superintendent, without even including their names in the 'C' list, Hence, they have approached this Court and seek indulgence of this Court.

8.The learned Additional Government Pleader appearing for the State



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9.As per Annexure IX-M to Rule 9, the seniority of persons who were appointed/promoted to the post of Assistant in the Police Department by way of above three methods had been determined and fixed with reference to the date of their appointments/promotions in the post of Assistant by invoking the provisions of Rule 35(aa) of the erstwhile General Rules for Tamil Nadu State and Subordinate Services, 1955, which now stands as sub section 2 of Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (*herein after referred to as Act*). Since the promotion of the petitioners to the post of



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Assistant have all been made subsequent to the direct recruitment of Assistants applying Section 40(2) of the Act, they were all placed above the promotes and therefore, the 'C' list that has been impugned in these writ petitions had been correctly drawn based upon the same.

10.He would further submit that the judgment made in W.A.(MD) No.836 of 2018 etc and batch relates to the Revenue Department. As regards to the Police Department, under G.O.(Ms).No.21, P & AR (B) Department, dated 21.02.2014, annexure IX-M had been introduced, wherein, in respect of inter se seniority between the directly recruited Assistants and the Assistants appointed by promotion have been mandated to be made as provided under Rule 35(aa) of the General Rules of the Tamil Nadu State and Subordinate Services, which provides that inter se seniority between them should only be with reference to the date on which they were appointed to the service, class, category or grade. When that be so, when the petitioners admittedly have been promoted as Assistants and appointed subsequent to the appointment of directly recruited Assistants, they have been rightly placed below the directly recruited Assistants in the seniority list. He would further submit that the Rule as envisaged under G.O.(Ms).No.21, P



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& AR (B) Department, dated 21.02.2014, wherein, annexure IX had been made in respect of the Police Department, having not been challenged, the petitioners cannot fallback to annexure IX to Rule 9.

11.The learned counsel for the impleaded respondents supporting the arguments of the learned Additional Government Pleader would submit that the vacancy in the post of Superintendent had not been filled up in view of the interim order granted by this Court, which has affected the administration of the Department and also prays this Court to dismiss these writ petitions.

12.I have considered the submissions made by the learned counsel on either side.

13.It is not disputed by the petitioners that they have all been appointed by way of promotion after the appointment had been given to the directly recruited Assistants in the year 2016. Their categorical claim is that by application of the judgment of the Division Bench of this Court in W.A.(MD) No.836 of 2018 etc., batch, annexure XI would have to be applied to the case of the petitioners and the



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Cyclical inter se seniority list should be followed and the inter se seniority should have been allotted.

14.A reading of the judgment of the Division Bench of this Court would indicate that what had been in consideration before the Division Bench was annexure IX to Rule 9 of the Tamil Nadu Ministerial Service Rules and not Annexure IX-M to Rule – 9, which had been given specifically for the Police Department. Annexure IX specifically envisages the manner in which the inter se seniority should be fixed under Clause 9 of the said annexure. Clause 11 of the said annexure would also indicate that there cannot be a preferential claim for promotion.

15.Be that as it may, under G.O.(Ms).No.21, P & AR (B) Department, dated 21.02.2014, annexures to Rule 9 have been amended by incorporating annexure IX-M specifically for the Police Department which envisages that in respect of three sources of appointment to the post of Superintendent, the inter se seniority among them shall be made as per Rule 35 (aa) of the erstwhile General Rules for Tamil Nadu State and Subordinate Services, 1955. Rule 35(aa) of the erstwhile



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General Rules for Tamil Nadu State and Subordinate Services, 1955, would envisage that their seniority shall be with reference to the date on which appointments are made not in service, class, category or grade.

16. When that be so, it is the misconception of the petitioners that Rule 9 would have to be applied to them and the inter se seniority should be fixed as per annexure IX to Rule 9. Their seniority can only be fixed as per annexure IX-M to Rule 9 and not otherwise, as the same had been specifically made in respect of the Police Department. Admittedly, annexure IX-M to Rule 9 had not been challenged and holds good in respect of the Police Department.

17. For the aforesaid reasons, I do not find any merit in these writ petitions and accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No  
Internet : Yes / No  
Index : Yes / No

**28.11.2025**

To

1. The Principal Secretary to the Government,

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**K.KUMARESH BABU, J.**

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Order Order made in  
**W.P.(MD)Nos.11004 of 2024 and 10996 of 2025**

**28.11.2025**