



W.A(MD) No.971 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**WA(MD)No.971 of 2020
and
CMP(MD)No.5269 of 2020**

1.The State of Tamil Nadu,
Rep.through its Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai – 600 009.

2.The Director General of Police,
Rajaji Salai, Chennai – 600 004.

3.The Superintendent of Police,
Sivagangai District, Sivagangai.

... Appellants

Vs.

N.Arumugam

... Respondent/ Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 31.10.2019 made in WP(MD)No. 15629 of 2019.



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For Appellants : Mr.A.Kannan,
Additional Government Pleader

For Respondent : Mr.J.Anandkumar

JUDGMENT
(By G.R.SWAMINATHAN, J.)

The Government has filed this writ appeal assailing the order dated 31.10.2019 passed by the learned Single Judge made in WP(MD)No.15629 of 2019.

2.The petitioner herein joined the police department as Grade II Police Constable on 25.10.1984. Since he was possessing a valid driving license, he was transferred to Motor Transport Wing. Even though his batch mates who were posted in the General Line were promoted as Grade I Police in February 1989, the petitioner herein got such a promotion only on 03.11.1992. As a result, his promotion to the post of Head Constable, S.I of Police and Inspector of Police was staggered and delayed. The writ petitioner came to know that persons who were appointed in Motor Transport Wing like him were granted relief when



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they filed writ petitions. Hence, the writ petitioner filed WP(MD)No. 15629 of 2019. The learned Single Judge allowed the writ petition in the following terms :

“6.From the materials on record, it is seen that the petitioner is seeking relief of promotion based on the date of his recruitment. This issue was considered by the Division Bench in the judgment dated 18.09.2007 in W.P.No.25043 of 2002. The Division Bench has held that the date of recruitment is basis for fixing the seniority for promotion. Based on the said judgment, the petitioners therein were promoted as per G.O.Ms.No.1623, Home (Police V) Department, dated 12.12.2008. Subsequently, one S.Manuel working in Armed Reserve Wing, filed a writ petition in W.P.No.9793 of 2013 and as per the order of this Court, dated 04.04.2016 the said S.Manuel was given promotion as per G.O.Ms.No.152, Home (Police VI) Department, dated 27.02.2017. Subsequently, R.Malaichamy was promoted based on the date of recruitment by G.O.Ms.No.1623, Home (Police V) Department, dated 12.12.2008.

7.In view of the above facts, the impugned order of the third respondent holding that the



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petitioner has not completed his probation on 01.07.1999 is set aside and the writ petition is allowed. The respondents 1 and 2 are directed to notionally refix the seniority of the petitioner by taking into the service rendered by him from the date of recruitment i.e., 25.10.1984. It is made clear that the petitioner is not entitled for monetary benefits for the earlier period.”

3.The learned Additional Government Pleader appearing for the appellants reiterated all the grounds set out in the memorandum of appeal and called upon us to allow the writ appeal.

4.Per contra, the learned counsel appearing for the writ petitioner submitted that the order of the learned Single Judge does not warrant interference and that he called upon this Court to dismiss the writ appeal.

5.The question that calls for consideration is whether the direction given by the learned Single Judge deserves to be interfered with. The order of the learned Single Judge rests on the principle of equality. The



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learned counsel for the writ petitioner drew our attention to G.O Ms No. 152, Home (Police) Department dated 27.02.2017 and took us through its contents. He pointed out that this Court had earlier taken a view that there could not be any separate seniority list for Armed Reserve Unit and Motor Transport Wing and the date of appointment should be taken as the crucial date for fixing the seniority and to effect promotion. Therefore, 25.10.1984 should have been taken as the base date for fixing seniority and effecting promotion to the post of Grade I Police Constable. This contention of the learned counsel appearing for the petitioner is undoubtedly sound and correct. But the petitioner appears to have been a "fence-sitter". When similarly placed individuals filed writ petition in the year 2002 and got relief in the year 2007, the petitioner moved this Court only in the year 2019. We cannot ignore the doctrine of laches. In fact, we go to the extent of remarking that when the cause of action arose in the year 1989 and when a batch mate Thiru.R.Malaisamy was given relief, the petitioner could have moved this Court in the year 1989 itself. He came to this Court three decades later. This aspect of the matter was not taken note of by the learned Single Judge.



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6.The order impugned in this writ appeal is set aside. This writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
20.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
SKM

To

- 1.The Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai – 600 009.
- 2.The Director General of Police,
Rajaji Salai, Chennai – 600 004.
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