



W.P(md)No.21901 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:12.11.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP(MD)No.21901 of 2019

and

W.M.P(MD)Nos.18661 and 18662 of 2019

G.J.Chriystopher

... Petitioner

Vs.

1.The Deputy Inspector General of Police,(AP)
Kilpauk,
Chennai.

2.The Additional Director General of Police,(AP)
Kilpauk,
Chennai.

3.The Commandant, Tamil Nadu Special Police,
14th Battalion,
Palani,
Dindigul District.

4.Raja
The Sub Inspector of Police(AMTO)
TSP Xith Battalion,
Rajapalayam

5.Prakasam,
The Sub Inspector of Police,
TSP RC Avadi,
Chennai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders issued by the 2nd respondent in Rc.No.Estt.II(2)/4880/2018 R.O.No.344/2018 dated 27.12.2018 and Rc.No.Estt.II(2)/7170/2019 R.O.No.239/2018 dated 28.08.2019, and quash the same and consequently direct the respondents 1 and 2 to include the name of the petitioner above the 4th respondent in the promotion panel for the post of Sub Inspector of Police/Assistant Motor Transport Officer for the year 2017-2018 and thereby promote the petitioner to the post of Inspector of Police AMTO on par with respondents 4 and 5 within the time stipulated by this Court.

For Petitioner : Mr.Ramsundar Vijayaraj
For R1 to R3 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The present writ petition has been filed challenging the impugned seniority list dated 27.12.2018 and 28.08.2019, in and by which, the petitioner's seniority for consideration to the post of Sub-Inspector was fixed below the fourth and fifth respondents which is contrary to the rule.

2.Heard Mr.Ramsundar Vijayaraj, learned counsel appearing for the petitioner and Mr.M.Sarangan, learned Additional Government Pleader appearing for the respondents



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3.The learned counsel for the petitioner would submit that the petitioner and the fourth and fifth respondents have joined in the post of Grade-II Constable on 14.07.2002. According to the petitioner, he joined in Palani battalion on 14.07.2002 on compassionate ground, whereas the fourth and fifth respondents joined on 13th Battalion on 01.08.2002. The learned counsel for the petitioner would further submit that the petitioner as well as the fourth and fifth respondents were opt for Havildar and they have undergone the test for the post of Havildar Mechanic from police constable Driver. The rule is as follows:

Sl.No.	Name of the Post	Method
2(c)	Sub-Inspector(Transport Group-MT)	Promotion from Havildar Mechanic and Havildar Drivers
3(c)	Havildar(Mechanics) Havildar Driver	(1)Promotion from Naik Driver or (2)If no suitable and qualified Naik Drivers are available for promotion from Constable Drivers or Constable Cleaner-cum-Driver or if no qualified and suitable Constable Driver is available direct recruitment or recruitment by transfer from any other service
5(g)	Constable Driver	By transfer from Police Constable



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4. According to the above qualification, the person, who compete for the above post, should pass written test paper on vehicle maintenance and also must pass a practical test in rectifying the major defect.

5. It is the specific submission of the petitioner that the fourth and fifth respondents had passed the test on 21.02.2007, though all of them have passed on the same day, the petitioner was senior to the fourth and fifth respondents. The official respondent, while considering the next level promotion to the post of Sub-Inspector, placed the fourth and fifth respondents over and above the petitioner, which is contrary to the factual position. Hence, prayed to interfere with the same.

6. Per contra, the said contention was stoutly objected by the learned Additional Government Pleader and would contend that the seniority upto the level of Havildar will be maintained battalion wise. But in the case in hand, the petitioner had joined Palani Battalion, whereas the fourth and fifth respondents joined 13th battalion. Therefore according to the vacancy in the 13th battalion, the fourth and fifth respondents though passed test subsequently have been fixed with the seniority with effect from 18.03.2006. In this connection, Commandant Poonamallee, TSP Special Police passed an order on 17.03.2007 in C.A.A2/1602/S.F/2007. Therefore, the learned



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Additional Government Pleader would submit that though all of them have attended written test on the same day since the respondents had given a seniority with effect from 18.03.2006, the petitioner cannot have any grievance in such seniority. Hence, he prayed to dismiss the writ petition.

7.I have given my anxious consideration of the submission made on either side.

8.It is an admitted position of law that for the post of Sub-Inspector, Havildar is a feeder criteria. It is not in dispute that the petitioner was senior in Grade-II constable. However, the issue is whether the seniority given to the respondents 4 and 5 with effect from 18.03.2006 is also in accordance with law.

9.No doubt, the petitioner and the respondents 4 and 5 had passed the test on the same day. But admittedly the petitioner joined in Palani Batallian, whereas the fourth and fifth respondents joined in the Tirunelveli batalian and both the batalain are maintained different seniority list up to the level of Havildar. But in the case in hand, Poonamallee batalian has conferred seniority upon the petitioner with effect from 18.03.2006 and only based upon such seniority, his seniority was fixed by preparing the panel for the



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post of Sub Inspector over and above the petitioner. Therefore, when the respondents 4 and 5 seniority were fixed by the department with effect from 18.03.2006, the petitioner cannot challenge such seniority in fixing the respondent Nos.4 and 5 over and above him. Since because the petitioner was senior in the Grade-II constable, it does not mean that in every level he must be placed senior to the other person. In the case in hand, admittedly, according to the orders of the Commandant, the fourth and fifth respondents were seniors to the petitioner as their promotion to the post of Havildar was with effect from 18.03.2006. Therefore, this Court absolutely does not find any merits in the writ petition.

10.In view of the above, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral Citation : Yes/No
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C.KUMARAPPAN, J.

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