

WP(MD)No.24416 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.24416 of 2019
and
WMP(MD)No.21706 of 2019

1.A.John Britto

2.D.Saravana Kumar
S/o.P.Davamani

3.Alagarsamy

4.D.Saravana Kumar
S/o.Durairaj

5.K.Madasamy

6.K.S.Hari Krishnan

7.A.Sekar

8.S.Balaguru

9.P.Ram Narayanan

10.B.Suresh

.. Petitioners

v.



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1.The Secretary to Government,
Home (Police V) Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2.The Director General of Police,
Law and Order, Mylapore,
Chennai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to revise the seniority list of persons who joined service based on recruitment process conducted in the year 1997-98 in the light of the order dated 08.03.2018 passed in MP(MD)No.1 of 2013 in WA(MD)No.SR33910 of 2013.

For Petitioners : Mr.P.Athimoola Pandian

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioners were selected as Sub-Inspectors of Police in the year 1997-98. It appears there are some issues with regard to the promotions for the Sub-Inspectors of Police, who have been recruited in the year 1997-98. One Manivannan and Balamurali Sundaram, who were appointed in the



year 1997-98 as Sub-Inspectors of Police, have filed a writ petition before this Court in WP(MD)No.1699 and 1700 of 2012 seeking a mandamus to consider their representation for fixing their seniority within a stipulated time. The said writ petitions were disposed of by this Court, by order dated 05.03.2012, directing the second respondent therein / Director General of Police to take a decision on the petitioners' representation within a stipulated time.

2. Aggrieved by that order, one John Britto / first petitioner herein has filed a petition seeking leave to appeal in MP(MD)No.1 of 2013 in WA(MD)No.SR33910 of 2013. The said application was disposed of by this Court on 08.03.2018 as under:-

"4. The appellant before us is aggrieved because the official respondents may redo the seniority, which they have done contrary to the relevant Rules, as seniority cannot be altered after a period of three years. It is not clear as to whether the writ petitioner had objected to the draft seniority list at the appropriate time. Therefore, by obtaining innocuous direction, the appellant / writ petitioner cannot seek to redo the seniority. Thus, we are convinced that the order passed in the writ



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petition has to be necessarily clarified.

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5. Accordingly, we allow this appeal and hold that merely because the representation has been given by the writ petitioner, that cannot be the basis for alteration of seniority, unless and until the writ petitioner had challenged the fixation of the seniority in accordance with law at the appropriate time as per the Rules. No costs. Consequently, the writ appeal in WA(MD)No.SR33910 of 2013 is disposed of."

3. Now, the petitioners have filed this writ petition seeking a mandamus to revise the seniority list of the persons, who have joined service based on recruitment process conducted in the year 1997-98 in the light of the order dated 08.03.2018 passed in MP(MD)No.1 of 2013 in WA(MD)No.SR33910 of 2013.

4. When the writ petition is taken up for hearing today, learned Additional Government Pleader circulated a letter of the Additional Chief Secretary to Government, Home Department, dated 23.09.2024 and submitted that the seniority list for the Sub-Inspectors of Police directly recruited in the year 1997-98 were revised by the Director General of Police,

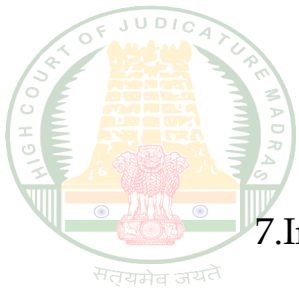


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pursuant to the orders of the Principal Seat of this Court in WP.Nos.3973, 4003, 4018 of 2021, dated 24.07.2023, in Rc.No.284045/Rect.II(1)/2011, dated 12.09.2024. The letter further reads that the seniority list has also been challenged before the Principal Seat and also before this Bench and therefore, a request has been made by the Additional Chief Secretary to the Registrar General to tag the cases and list the same before the Principal Seat.

5.This Court considered the rival submissions made on either side.

6.The petitioners have approached this Court seeking a mandamus, based on the order dated 08.03.2018 passed in MP(MD)No.1 of 2013 in WA(MD)No.SR33910 of 2013. From the letter dated 23.09.2024, it appears that the seniority list has already been drawn by the Director General of Police in Rc.No.284045/Rect.II(1)/2011, dated 12.09.2024 and the same is also put under challenge. It is also reported that the petitioners have also challenged the seniority list.



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7. In view of the above position, this Court is of the view that no further order is required to be passed in this writ petition. Accordingly, this writ petition stands dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

28.01.2025

To

1. The Secretary to Government,
Home (Police V) Department,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The Director General of Police,
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B.PUGALENDHI, J.

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