



**W.A(MD)No.227 of 2023**

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

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**DATED: 29.07.2025**

**CORAM**

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

**W.A(MD)No.227 of 2023  
and  
C.M.P(MD)No.2736 of 2023**

1.The Principal Secretary to Government,  
Home (Police) Department,  
Secretariat,  
Chennai – 600 009.

2.The Director General of Police,  
Tamil Nadu,  
Chennai – 600 004.

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

... Appellants /  
Respondents 1 to 3

**Vs.**

1.S.Seeniammal

... 1<sup>st</sup> Respondent /  
Petitioner

2.A.Vellaisamy

... 2<sup>nd</sup> Respondent/  
4<sup>th</sup> Respondent



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow the Writ Appeal by setting aside the order passed in W.P(MD)No.11561 of 2014 dated 30.03.2022.

For Appellants : Mr.A.Kannan  
Additional Government Pleader

For Respondents : Mr.A.Thirumurthy for R.1

### **JUDGMENT**

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

The Government is on appeal challenging the order dated 30.03.2022 passed by the learned single Judge allowing W.P(MD)No.11561 of 2014 filed by the first respondent herein (S.Seeniammal). The case of the writ petitioner was that she was temporarily appointed as typist in Police department under Rule 10(a)(i) on 21.12.1981. She was duly sponsored by the District Employment Exchange. Her services were regularised on 25.06.1984 as per G.O(Ms)No.996 P&AR Department dated 22.09.1984. Her probation was also declared on 09.07.1986. She retired from service in the year 2015. Prior to her retirement, she submitted petition in the year 2013 contending that she ought to have been promoted as Assistant in the year 1988-1989 itself and that her seniority was wrongly fixed. Since her representation made in the year 2013



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was not considered, she filed W.P(MD)No.1438 of 2014. This Court vide order

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Director General of Police vide endorsement dated 21.04.2014 negated the writ petitioner's request. Challenging the same, she filed W.P(MD)No.11561 of 2014. It was allowed on 30.03.2022 in the following terms:

*“6.In order to resolve this issue, the fixing of seniority under Rule 10 is stated as under:*

*“Seniority: “The seniority of a candidate appointed through Special Absorption in 1984, shall be fixed with reference to the date of first temporary appointment in the departmental unit in which he had been absorbed irrespective of whether he had been subsequently discharged for want vacancies or appointed again through the Employment Exchange in that Departmental unit and not with reference to the date of first appointment in any other departmental unit where he had acted previously before his absorption in the particular departmental unit. He shall be ranked below the candidates selected by the Tamil Nadu Police Service Commission of the results of the Competitive examination held in November, 1983 irrespective of the date of appointment of these candidates.” While perusing Rule 10, it is*



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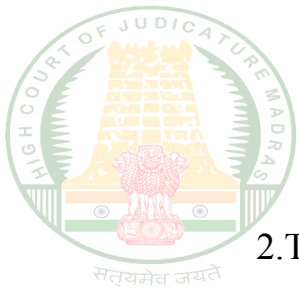


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*clearly stated that “not with reference to the date of first appointment in any other departmental unit where he had acted previously before his absorption in the particular departmental unit”, which means the respondents ought to have fixed from the date of absorption in the same Department. The petitioner was appointed in the same Department and absorbed in the same unit whereas the said Jayalakshmi and Vellaisamy were appointed in some other Department and absorbed in Police Department. Therefore, the respondents are terribly wrong in fixing the seniority.”*

*7. Therefore this Court is convinced that the fixing the seniority to the petitioner is not in accordance to G.O.Ms.No. 548 P & AR Department, dated 19.06.1987. However, the petitioner is retired from service on 31.10.2015. Therefore, the impugned order is set aside and the respondents are directed to grant the petitioner notional promotion by fixing the seniority in the appropriate place and shall fix the monetary benefits notionally and disburse the same in pensionary benefits. The said exercise shall be completed within a period of six weeks from the date of receipt of the copy of order.”*

Assailing the same, the State has filed this Appeal.



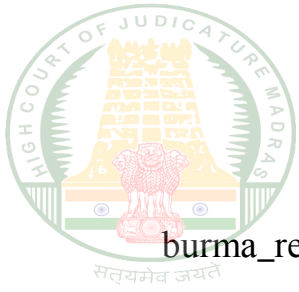
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2.The learned Additional Government Pleader appearing for the appellants reiterated all the contentions set out in the grounds of appeal and called upon this Court to set aside the order of the learned single Judge and dismiss the writ petition.

3.Per contra, the learned counsel appearing for the writ petitioner submitted that the learned single Judge rightly applied the rule of seniority and according to him the order of the learned single Judge does not call for interference. He also took up through the comparative table enclosed at page no.201 of the typed set of papers. He submitted that S.Seeniammal / writ petitioner was appointed as typist on 21.12.1981. Whereas the contesting respondent, namely, Vellaisamy was appointed only on 02.03.1983. He also would add according to him, both were regularised only on 25.06.1984. He called upon this Court to dismiss the Writ Appeal.

4.We carefully considered the rival contentions and went through the materials on record.

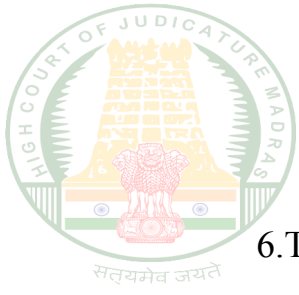
5.At the outset, we must record the stand of the appellants that even though Vellaisamy was subsequently appointed on 02.03.1983, since he was a



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burma\_repatriate, his services were regularised with effect from the date of

appointment itself i.e., 02.03.1983 as per G.O(Ms)No.2024 Revenue Department dated 15.05.1974. This aspect of the matter was not considered or gone into by the learned single Judge. Be that as it may, the writ petitioner who was appointed as typist in the first instance was subsequently promoted as Junior Assistant and then as Assistant in the year 1994. She then became a Superintendent in the year 2008 and retired in the year 2015. On the other hand, Vellaisamy was promoted as Assistant on 24.04.1990 itself. He became Superintendent on 18.05.2005. The Hon'ble Supreme in the decision reported in **(1975) 1 SCC 152 (P.S.Sadasivaswamy Vs State of Tamil Nadu)** had held that matters regarding seniority and promotion must be agitated by the aggrieved individuals within six months. In this case, the writ petitioner has chosen to agitate the matter after more than a quarter of century. Of course, in the Rules framed by the State Government, an extended period has been provided for. In any event, agitating a claim after a lapse of 25 years is clearly impermissible. The learned single Judge ought to have non-suited the writ petitioner on the sole ground of laches. In this view of the matter, the order of the learned single Judge is set aside.



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6.This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**[G.R.S., J.] [K.R.S., J.]**  
**29.07.2025**

NCC : Yes / No  
Internet : Yes / No  
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