



WP Nos.41687 & 42405 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM:

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP Nos. 41687 and 42405 of 2016

K.Rafeek,
S/o.S.Kamal Mohamed, Sub-Inspector of Police,
Tamilnadu Special Police XIV Bn, Palani,
Dindigul District

..Petitioner in
W.P.,No.41687 of 2016

1. M.Abdullah,
S/o P.Mohideen,
Sub-Inspector of Police,
Tamilnadu Special Police XI Bn.,
Rajapalayam.
2. S.Kumar,
S/o Shanmugam,
Sub-Inspector of Police,
Tamilnadu Special Police IX Bn.,
Manimuthar 627 421.
3. G.Easwaraprasad,
S/o Govindan,
Sub-Inspector of Police,
Tamil Nadu Special Police IX Bn.,
Manimuthar-627 421.



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4. D.Balasubramanian,
S/o Dhanapal,
Sub-Inspector of Police,
Tamil Nadu Special Police, IX Bn.,
Manimuthar-627 421.

5. S.M.Thangadurai,
S/o Manickam,
Sub-Inspector of Police,
Tamil Nadu Special Police IX Bn.,
Manimuthar-627 421.

.. Petitioners in W.P.No.42405 of 2016

Vs.

1.Director General of Police,
Chennai-600 004

2.Inspector General of Police
Armed Police, Kilpauk, Chennai-600 010.

..Respondent(s) in both
Writ Petitions

Writ Petition No.41687 of 2016 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings in No.RC.No.19652/NGBV(2)/2015, dated 10.02.2015 and quash the same and consequently direct the respondents to restore the petitioner's original seniority as Havildar from 18.03.1996 and Sub-Inspector of Police from 06.02.1998 without reference to the orders passed by the second respondent herein in his proceedings No.RC.No.A1/1827/2009 dated 30.06.2009 and proceedings in No.C.No.Estt/I(i)/11545/IG/2000,



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dated 12.01.2001, in the light of the judgment of this Court in W.P.Nos.15653 to 15658 of 2009, dated 07.06.2013 and reported in 2013 (7) MLJ 334, together with all consequential service and monetary benefits, within a time frame as deem fit and proper by this Court.

W.P.No.42405 of 2016 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings Rc.No.175922/NGB V(2)/2014, dated 05.02.2015 and quash the same and consequently direct the respondents to restore the petitioner's original seniority as Havildar from 18.03.1996 and Sub-Inspector of Police from 06.02.1998 without reference to the order passed by the second respondent herein in his proceedings No.Rc.No.A1/1827/2009, dated 30.06.2009 and proceedings No.C.No.Estt/I(i)/11545/IG/2000, dated 12.01.2001 in the light of the judgment of this Court passed in W.P.Nos.15653 to 15658 of 2009, dated 07.06.2013 and reported in 2013 (7) MLJ 334, together with all consequential service and monetary benefits within a time frame as deem fit and proper by this Court.

For Petitioner(s): M/s.Daisy in both the Writ Petitions

For Respondent(s): Mr.S.John J.Raja Singh, Addl.G.P. in both the Writ Petitions



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COMMON ORDER

Writ Petition No.41687 of 2016 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings Rc.No.19652/NGBV(2)/2015, dated 10.02.2015 and quash the same and consequently direct the respondents to restore the petitioners original seniority as Havildar from 18.03.1996 and Sub-Inspector of Police from 06.02.1998 without reference to the orders passed by the second respondent herein in his proceedings No.RC.No.A1/1827/2009, dated 30.06.2009 and proceedings No.Rc.No.Estt/I(i)/11545/IG/2000, dated 12.01.2001, in the light of the judgment of this Court in W.P.Nos.15653 to 15658 of 2009, dated 07.06.2013 and reported in 2013 (7) MLJ 334, together with all consequential service and monetary benefits, within a time frame as deem fit and proper by this Court.

2. W.P.No.42405 of 2016 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified



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Mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings Rc.No.175922/NGB V(2)/2014, dated 05.02.2015 and quash the same and consequently direct the respondents to restore the petitioner's original seniority as Havildar from 18.03.1996 and Sub-Inspector of Police from 06.02.1998 without reference to the order passed by the second respondent herein in his proceedings No.Rc.No.A1/1827/2009, dated 30.06.2009 and proceedings No.C.No.Estt/I(i)/11545/IG/2000, dated 12.01.2001 in the light of the judgment of this Court passed in W.P.Nos.15653 to 15658 of 2009, dated 07.06.2013 and reported in 2013 (7) MLJ 334, together with all consequential service and monetary benefits within a time frame as deem fit and proper by this Court.

3.The present Writ Petitions are filed challenging the orders passed by the first respondent, dated 10.02.2015 and 05.02.2015. The writ petitioners herein were appointed as Constables attached to the Armed Reserve. The writ petitioners' claim is with regard to their promotion. However, by the impugned order, the respondents declined the claim of the petitioners and paragraph 3(b) of the impugned order in



W.P.No.41687 of 2016 i.e. R.C.No.19852/NGBY(2)/2015, dated 10.02.2015, reads as follows:

“b. Some of the Havildars of TSP I, II and V Bns. had represented to the DIG, AP, Chennai that their juniors in TSP VIII & IX Bns. had been placed above them in the seniority list and requested for rectification. In order to rectify the discrepancies among Havildars serving in different Battalions IGP/AP, Chennai has re-arranged the seniority of police personnel by taking into account the date of “B” list of Havildars as 18.03.1997, in his proceedings in Rc.No.A1/1827/2009-3, dated 30.06.2009 upholding the earlier orders issued in O/O No.11/2001 in C.No.Estt.I(1)/11545/2000, dated 12.01.2001. Since this is a settled issue and any modification after a prolonged time, will create administrative disparity among the Police Personnel serving in different battalions if the seniority of these Writ Petitioners are revised after a period of long gap, it will lead to administrative chaos in police administration.”

and also paragraph 3(b) in the impugned order dated 05.02.2015 in W.P.No.42405 of 2016, i.e., R.No.175922/NGB V(2)/2014, and the relevant paragraph 3(b) is extracted herein:

“b. Some of the Havildars of TSP, I, II and V Bns. had represented to the DIG, AP, Chennai that their juniors in TSP VIII & IX Bns. had been placed above them in the seniority list and requested for rectification. In order to rectify the discrepancies among Havildars serving in different Battalions, IGP/AP, Chennai has re-arranged the seniority of police personnel by taking into account the date of “B” list of



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Havildars as 18.03.1997, in his proceedings in Rc.No.A1/1827/2009-3, dated 30.06.2009 upholding the earlier orders issued in O/O No.11/2001 in C.No.Estt.I(1)/11545/2000, dated 12.01.2001. Since this is a settled issue and any modification after a prolonged time, will create administrative disparity among the Police Personnel serving in various battalions and it will open floodgates, so that other Police Personnel serving in different Bns., may come up with similar request. If the seniority of these Writ Petitioners are revised after a period long gap, it will create administrative chaos in police administration.”

4.From the above extracts, it is the submission of the learned counsel for the petitioners that, paragraph (b) begins with, “Some of the Havildars of TSP, I, II & V Bns,...”. When a claim has been made by the present writ petitioners with regard to their juniors having been promoted in the seniority list, the impugned orders cannot omnipotently begin with the words “Some of the ...”. When the right of the promotion has been conferred with every single individual, the same has to be dealt with in detail on the basis of the individual’s seniority and their entitlement to the said benefits,. The said words in the impugned order, are blatant with proper reasons for inclusion of some of the Havildars of TSP-I, II & V” and their juniors in TSP VIII & IX Bns.,who have been placed above the



petitioners in the seniority list. The impugned order deals with entire facts with regard to the persons who are entitled or dis-entitled to the claim.

5.The learned counsel for the petitioners further pointed out that the impugned order passed by this Court in W.P.Nos.15653 to 15658 of 2009, dated 07.06.2013, reported in 2013 (7) MLJ 334 (T.L.Ranganathan Vs. Inspector General of Police, Armed Police, Kilpauk, Chennai-600 010 and others) and the relevant portion of paragraphs 14 and 15 of the said order of this Court, reads as follows:

“14. When all these petitioners were given regularisation and the Selection Grade along with monetary benefits in the post of Havildar on 18.03.1994 as they completed ten years of service on 17.03.1994 by the order dated 19.03.2005, the first respondent ought not to have disturbed the accrued and settled service rights of all the petitioners, that too, without issuing any prior notice calling upon a minimum explanation from the petitioners as held by the decision of the Apex Court in *Union of India and another Vs. S.K.Goel and others* (2007) 3 MLJ 107 :

“Since the matter of seniority has been well settled and this Court in Plethora of cases had held that the seniority/promotion granted on the strength of DPC selection should not be unsettled after a lapse of time.”

15. *The above principle that once the*



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seniority of the petitioners is well settled, the same should not be unsettled after a lapse of time will equally apply to the case of the petitioners. Therefore, the impugned orders are liable to be set aside. “

6. According to the learned Additional Government Pleader, there is no infirmity in the impugned order passed by the respondents, as many of the petitioners belong to the above referred to list, who have made representation to the authorities and there is no necessity for the first respondent/DGP to give the details of every single person to that effect.

7. Relying on the counter affidavit filed in both the Writ Petitions, the learned Additional Government Pleader submitted that there is no irregularity or illegality in the impugned orders in both these Writ Petitions. Such a contention cannot be taken for consideration, as the impugned order was already set aside by the learned Single Judge, against which no Writ Appeal has been filed challenging the order dated 07.06.2013 in W.P.Nos.15653 to 15658 of 2009 of the learned Single Judge of this Court.

8. Heard both sides and perused the materials available on record.



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9. This Court perused the above said order passed in W.P.Nos.15653 to 15658 of 2009, dated 07.06.2013 and it reveals that it has become final, as the Government has not preferred any appeal challenging the above order. Thus, the aforesaid order has not only attained finality, but the ratio laid down therein, is squarely applicable to the case on hand, more so, when the details of the individuals who have been considered, have not been properly spelt out in the impugned order.

10. In view of the foregoing discussion, the present Writ Petitions have to be allowed. Accordingly, both the Writ Petitions are allowed. The respondents are directed to fix the present writ petitioners' seniority and pay them all the necessary emoluments, which they are entitled to. The said fixation of seniority, will have to be completed with, within a period of 12 weeks from the date of receipt of a copy of this order or the web-copy of the same.

11. At this juncture, it is pointed out by the learned counsel for the petitioners herein that one of the petitioners, i.e. S.M.Thangadurai in



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W.P.No.42405 of 2016 had passed away and his death will not get the Writ Petitions abated, as the benefits have to be evolved as against the legal heirs of the said S.M.,Thangadurai and hence, the above direction has to be complied with, within a period of 12 weeks from the date of receipt of a copy of this order, or producing the web-copy of this order, whichever is earlier.

12.As regards the petitioner in W.P.No.41687 of 2016, who retired in the year 2016 itself, the respondents shall re-fix his seniority with all monetary benefits, and back-wages, if any.

13.For all the reasons stated above, both the present Writ Petitions are allowed as prayed for. Necessary emoluments shall be given to the writ petitioners in both the present Writ Petitions, apart from compliance of the same as directed/observed supra. There shall be no order as to costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

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1. The Director General of Police,
Chennai-600 004
2. The Inspector General of Police
Armed Police, Kilpauk, Chennai-600 010



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N.SENTHILKUMAR, J.

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