



W.A(MD)No.97 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.97 of 2026
and
C.M.P(MD)No.1027 of 2026**

1.State by the Secretary to Government of Tamil Nadu,
Home Department, Secretariat,
Fort St. George,
Chennai.

2.The Director General of Police,
Director General of Police Office,
Chennai.

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

... Appellants/Respondents

vs.

L.Sugumaran

... Respondent/Writ Petitioner



W.A(MD)No.97 of 2026

WEB COPY

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 11.01.2023 made in W.P(MD)No.4938 of 2018 on the file of this Court.

For Appellants	: Mr.D.Sasi Kumar Additional Government Pleader
For Respondent	: Mr.N.S.Karthikeyan

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge allowing the Writ Petition in W.P.(MD)No.4938 of 2018, dated 11.01.2023, thereby quashing the order rejecting the request of the writ petitioner to fix his seniority as per the date of his appointment, the respondents, as appellants, have preferred the present Writ Appeal.

2.The respondent/writ petitioner was appointed as a Junior Assistant on 01.04.1987. He completed the departmental examination in the year 1989



W.A(MD)No.97 of 2026

WEB COPY

and also passed the Accountant Test for further promotion. His name was included in the 'C' list of Junior Assistants drawn for the year 1996–1997, and thereafter, he was promoted as Assistant on 04.06.1997. Subsequently, he was promoted as Superintendent on 26.03.2010.

3. According to the writ petitioner, his name in the 'C' list ought to have been included for the year 1992–1993 instead of 1996–1997. In this regard, he submitted a representation dated 04.08.2014. The same was rejected mainly on the ground that, since the writ petitioner was appointed on compassionate grounds, he could not be placed above those who were directly recruited in the same year. Therefore, the rejection order was challenged.

4. The learned Single Judge, after considering the entire issue, allowed the Writ Petition and did not accept the applicability of the three-year limitation period for raising objections regarding seniority, considering the fact that the mistake was committed by the authorities in not drawing the



W.A(MD)No.97 of 2026

proper seniority list. Challenging the same, the present Writ Appeal has been filed.

5.The learned Additional Government Pleader appearing for the appellants/respondents mainly challenges the order of the learned Single Judge on the ground that, as per Rule 35(f) of the Tamil Nadu State and Subordinate Service Rules, objections to seniority ought to have been made within a period of three years. However, the writ petitioner submitted his representation only in the year 2014, after considerable delay, and therefore, there is a clear case of laches on his part. His further contention is that, since the writ petitioner was appointed on compassionate grounds, his seniority could not have been placed above persons directly recruited through the TNPSC. Therefore, the learned Single Judge ought not to have allowed the Writ Petition, especially in view of the laches on the part of the writ petitioner.

6.We have perused the entire materials available on record.



W.A(MD)No.97 of 2026

WEB COPY

7. There is some force in the submissions of the learned Additional Government Pleader appearing for the appellants/respondents with regard to the limitation aspect, as no objection was raised within a period of three years concerning the fixation of seniority. However, the admitted position of the appellants/respondents is that the seniority list had not been properly drawn, as there was no rule governing compassionate appointments at the relevant point of time for fixing seniority. According to them, since the writ petitioner was appointed on compassionate grounds and others were appointed through direct recruitment by the TNPSC, the latter were placed above the writ petitioner.

8. It is relevant to note that a similar issue was raised by a similarly situated person, in fact, a junior to the writ petitioner, who was also appointed on compassionate grounds and had made a similar challenge before this Court in W.P(MD) No.10638 of 2016.



W.A(MD)No.97 of 2026

WEB COPY

9.The Writ Court, by order dated 06.09.2016, set aside the impugned order therein and allowed the said writ petition, directing the authorities to refix the inter se seniority in the 'C' list of Junior Assistants fit for promotion to the post of Assistant for the panel year 1992–1993, placing the petitioner therein above the third respondent. Challenging the said finding, the Government preferred a Writ Appeal in W.A.(MD) No. 883 of 2023, which was dismissed by a Division Bench of this Court by order dated 23.06.2023. A further challenge was made before the Hon'ble Supreme Court of India against the order of the Division Bench, which was also dismissed in Special Leave Petition (Civil) Diary No. 55983 of 2024, by order dated 02.01.2025.

10.It is now admitted by both sides that, pursuant to the said orders, the writ petitioner's junior was granted promotion and placed above all others in the seniority list. In such circumstances, merely on the ground of laches, we are of the view that the right of the writ petitioner cannot be denied, particularly when a similarly situated person in the same office,



W.A(MD)No.97 of 2026

appointed in the same year, was granted seniority based on the date of appointment.

11.In view of the above, we are of the opinion that the same yardstick must be applied to the writ petitioner as well. Hence, we find no merit in the Writ Appeal. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
02.03.2026

NCC : Yes / No
Index : Yes / No
ps



W.A(MD)No.97 of 2026

WEB COPY

To

1.Home Department,
The Secretary to Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai.

2.The Director General of Police,
Director General of Police Office,
Chennai.

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



WEB COPY



W.A(MD)No.97 of 2026

N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN,J.

ps

ORDER MADE IN
W.A(MD)No.97 of 2026

DATED : 02.03.2026