



W.P.Nos.3973, 4003 & 4018 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.07.2023

CORAM :

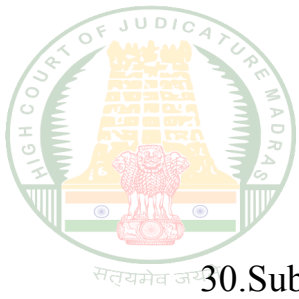
THE HON'BLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.4018 of 2021

and

W.M.P.Nos.4589, 4591 & 4592 of 2021

- 1.C.Uma Devi
- 2.A.Kaveriammal
- 3.S. Durga
- 4.S.Meenakshi
- 5.P.Lakshmi
- 6.M.Brindha
- 7.S.Judy Abigail
- 8.Alagurani.C
- 9.Akila.S
- 10.K. Rekarani
- 11.S.Mahalakshmi
- 12.P.Jeya Priya
- 13.Iyyammal Jothi.G
- 14.Rameswari.T
- 15.N.Kousalya
- 16.L.Lakshmi Prabha
- 17.Rajalakshmi.K
- 18.Chandra.V
- 19.G.Janaki
- 20.I.Jeya Princess
- 21.N.Dharma
- 22.Bama.A
- 23.Hemamalini.A
- 24.V.Tamizharashi
- 25.P.K Regina
- 26.S.Maheswari
- 27.D.Suganya
- 28.K.Suguna
- 29.L.Kanimozhi



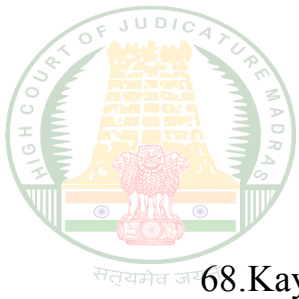
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- 30.Subbulakshmi.S
- 31.Janaki.P
- 32.N.Rajeswari
- 33.V.Hemalatha
- 34.Saraswathi.A
- 35.P.Premalatha
- 36.Bharathi Kannammal.R
- 37.Kalairasi.J
- 38.R.Tamilselvi
- 39.N.Geethadevi
- 40.Rajeswari.S
- 41.P.Hemavathy
- 42.Praba A
- 43.N.S.Geetha
- 44.V.Uma
- 45.Sasi Rekha.M
- 46.R.Bhuvaneswari
- 47.Muthulakshmi.A
- 48.S.Stella Bai
- 49.Saradha.K.P
- 50.S.Jermin Latha
- 51.K.Shobana
- 52.C. Judy
- 53.Jeyabharathi.P
- 54.R.Fravin Dani
- 55.S.Umavani
- 56.S.Meena
- 57.Sathadh I Parveen
- 58.S.Neelavathy
- 59.Geetha
- 60.V.Arockiya Mary
- 61.Revathi.V
- 62.Mary Raju.T
- 63.Jaya
- 64.V.R.Selvi
- 65.S.Karthikeyani
- 66.P. S.Chitra
- 67.Q.Beulah Gnana Vasanthi

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- 68.Kayalvizhi
69.S.Lakshmi
70.P.Azeem
71.C.Tamilarasi
72.M.Batharunnisa Begum
73.Masutha Begum.A
74.S.Meenakumari
75.A.Chandrakantha
76.P.M.Ponnuthai
77.E.Nirmala
78.Geethalakshmi.B
79.K.Saraswathi
80.Gandhimathi.N
81.Hema.R
82.N. Sambangi
83.M.Meenambigai
84.Kaleeswari.S
85.R.Kousalya
86.S.Saraswathi
87.S.Ruby
88.Yamunadevi.P.N
89.Sumathi.V
90.Gowri.C.S
91.Tharani.S
92.Uma Rani
93.V.Revathi
94.Revathi .S
95.D.Prabhavathi
96.Mageswari.K
97.Kalaiselvi
98.C.Amutha
99.Geethalakshmi.B
100.C.Tamilselvi
101.V.Jayabarathi

... Petitioners

Versus

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.



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2. The Director General of Police,
Mylapore, Chennai-600 009.

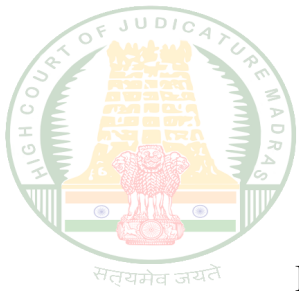
- 3.S.Thennarasan
- 4.S. Chandramohan
- 5.Prakash
- 6.G. Anand
- 7.R. Murugan
- 8.S. Umashankar
- 9.K. Saravanan
- 10.P. Ramakrishnan
- 11.S.M.Shanmugam
- 12.P.R.Muthu kumar
- 13.K.Srinivasan
- 14.S.Ponraj
- 15.S.Balasundaram
- 16.Sivakumar
- 17.P. Senthil kumar
- 18.Sheela
- 19.Sumathy
- 20.M. Ganesh kumar
- 21.P. Selvaraju
- 22.S. Venkatesan
- 23.T. Rajini
- 24.Durairaj
- 25.G. Anandhanayagi
- 26.S. Sarvanan
- 27.M. Vijayalakshmi
- 28.S. Murugan
- 29.P. Thangamani
- 30.S. Amutha
- 31.R. Sivakumar
- 32.L. Muralidaran
- 33.V.Ganesan

... Respondents

(R3 to R33 impleaded vide order dt. 11.07.2022
made in WMP.8817 of 2021)

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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, prayed to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's impugned proceedings dated 30.01.2021 in Rc.No.284045/ Rec.II(1)/2011, and to quash the same as arbitrary, illegal, unconstitutional and consequently direct the 2nd respondent to retain the seniority list of the petitioners' dated 06.07.2009.

For Petitioners : Mr. S.Prabakaran, Senior Counsel,
for Mr.K.Chandrasekar

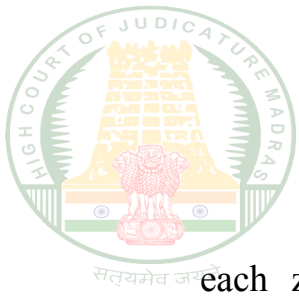
For Respondents : Mr. P. Kumaresan, Additional Advocate General.
Asst., by M/s.C.Meera Arumugam (for R1 & R2)

: Mr. Venkatramani, Senior Counsel,
for Mr. G. Ilamurugu (for R3 to R33)

ORDER

This Writ Petition has been filed, challenging the impugned proceedings dated 30.01.2021 in Rc.No.284045/ Rec.II(1)/2011 issued by the second respondent and to quash the same and seeking a consequential direction to the 2nd respondent to retain the seniority list of the petitioners' dated 06.07.2009.

2. The case of the petitioners is that they were selected for the post of Sub Inspectors of Police during 1997-1998 through a direct recruitment by G.O.Ms.1317, Home (Police-9), Department, dated 08.06.1997. The selection was made on a zonal basis, with a separate cut-off mark fixed for

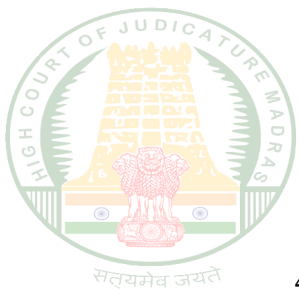


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each zone. After completion of the training, examinations were also conducted for two batches separately in the years 1999 & 2000. The seniority was fixed based on their date of joining duty as per Rule 25(a) of Special Rules for Tamil Nadu Police Subordinate Service. But, the petitioners' seniority was not fixed as per the said Rule. While so, since Tr.S.R.G.Thayal and 13 others seniority were not fixed properly, they have filed a Writ Appeal No.1039 of 2011 and obtained order dated 13.04.2023 from this Court and got their re-fixation of seniority as per the rule. The said fact was clearly mentioned in the impugned proceedings issued by the second respondent vide letter R.C.No.284045/Rec.II(1)/2011, dated 30.01.2021, but, in which also the petitioners' names were not mentioned in the seniority list. hence, challenging the same the present Writ Petition has been filed by the petitioners.

3.Heard the learned Senior Counsel appearing for the petitioners and the learned Additional Advocate General appearing for respondents Nos.1 and 2 and the learned Senior Counsel appearing for respondents Nos.3 to 33 and perused the entire records of the case.



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4.It appears that though the second respondent passed the impugned order, revising the seniority list of 1997-1998 batch persons, in respect of directly recruited Sub Inspectors of Police, in paragraph No.10, the second respondent has specifically requested that all the Unit Officers to communicate the impugned order to the concerned Sub-Inspectors of 1997-98 batch working in their Districts/Cities/Units and get objections from them on or before 10.02.2021. However, without filing the objections to the draft revised seniority list prepared by the second respondent vide impugned order, the petitioners have come forward with the present Writ Petition, challenging the impugned order.

5.When this was pointed out, the learned Senior Counsel appearing for the petitioners fairly acceded to the fact that the petitioners have not filed any objections to the impugned order. He referred to paragraphs Nos.10 & 11 of the impugned order, dated 30.01.2021 passed by the second respondent, which reads as under:

"10. The Unit Officers are requested to communicate the draft seniority list to the concerned Sub-Inspectors of 1997-98 batch working in their Districts/Cities/Units through the Sub-Divisional Officers/Concerned DSPs and get their acknowledgment and send the same to the office on



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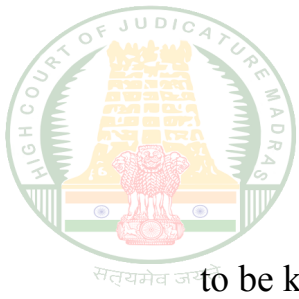


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or before 05.02.2021 besides displaying the same in the notice board. Further, the Unit Officers concerned are requested to instruct the Sub-Inspectors of 1997-98 batch to file the objections if any before 10.02.2021. If they have no objection regarding draft seniority of Sub-Inspectors of 1997-98 batch, a letter to this effect may be obtained and sent to Chief Office on or before 15.02.2021. If any of the Sub-Inspectors of Police belonging to 1997-98 batch is on deputation, the parent unit officer is requested to get the objections from them and send if to Chief Office.

11. After consolidation of all objections and other due considerations, based on the Government Order referred above and as per law, seniority list be prepared."

6.The learned Additional Advocate General Counsel appearing for the respondents Nos.1 & 2 would fairly submit that as per paragraph No.10 of the impugned order, the petitioners may be directed to file their objections before the second respondent, within a period of four weeks from the date of receipt of a copy of this order and on such objections being filed, as per paragraph No.11, the second respondent may be directed to consider the same and pass orders in accordance with the law, within a period of four weeks thereafter and thereupon, the first respondent may be directed to pass the final orders and till such time, the impugned order may also be ordered



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to be kept in abeyance.

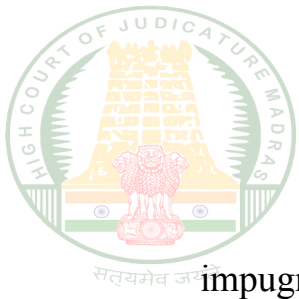
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7. In the present Writ Petition though the petitioners have now challenged the present impugned revised seniority list of 1997-98 on various grounds, This Court directs the petitioners to make their objections to the said impugned order passed by the second respondent; and the same may be considered on merits, accordance with law and appropriate orders be passed by the first respondent and the first respondent is also directed to pass final order; and till such time, the impugned order is ordered to be kept in abeyance.

8. Considering the submissions now made by the learned Senior Counsel for the petitioners and the learned Additional Advocate General appearing for respondents Nos.1 & 2, without advertng to the merits of the matter, this Court feels it appropriate to pass the following order:

(i) The petitioners are directed to submit their objections as called for in paragraph No.10 of the impugned order, in respect of the Revised Seniority List of 1997-98 before the second respondent, within a period of four weeks from the date of receipt of a copy of this order;

(ii) On such objections being filed, as per paragraph No.11 of the



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impugned order, the second respondent is directed to consolidate all the objections and consider the same and pass orders in accordance with the law, within a period of four weeks;

(iii) Thereafter, the first respondent is directed to pass final orders based on the orders being passed by the second respondent. Till such time, the impugned order being passed by the second respondent dated 30.01.2021 in Rc.NO.284045/Rec.II(1)/2011, is hereby ordered to be kept in abeyance.

9.The Writ Petition is disposed of with the above directions and observations. No costs. Consequently, the connected miscellaneous petitions are closed.

24.07.2023

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

klt

To:

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Director General of Police,



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Mylapore, Chennai-600 009.

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J.SATHYA NARAYANA PRASAD,J.

klt

W.P.No.4018 of 2021
and
W.M.P.Nos.4589, 4591 & 4592 of 2021

24.07.2023