

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____ OF 2024
(@ PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 6956 OF 2022)**

THE DIRECTOR GENERAL OF POLICE (LAW AND ORDER) AND ANOTHER **APPELLANTS**

VERSUS

D. BASKARAN **RESPONDENT**

ORDER

1. Leave granted.
2. The appellants are aggrieved by the judgement dated 27th July, 2021 passed by the Division Bench of the High Court of Judicature at Madras whereunder, the Court has directed that the seniority of the respondent ought to be reconsidered within a period of four weeks from the date of passing of the said judgement.
3. Learned Senior counsel appearing for the appellants submits that the learned Single Judge had passed an order on 03rd June, 2020, disposing of the writ petition¹ filed by the respondent for seeking retrospective seniority and promotion at par with his batch mates of the year 1997-1998 with a direction to consider the same and pass appropriate orders on merits. The said order was challenged by the appellants herein before the Division Bench. The Division Bench has yet again directed that the respondent's case be considered for fixing his seniority at par with his batch mates.

1 W.P. No. 11798/2014

4. It is contended that the respondent's representation for retrospective seniority had already been rejected by the appellants on 19th October, 2020 (Annexure P-7) and that order has not been assailed so far.
5. Learned Senior counsel appearing for the respondent submits that the delay in assailing the aforesaid order would be an impediment for the respondent to take steps to file a fresh writ petition. Moreover, the delay cannot be attributed to the respondent.
6. Learned Senior counsel for the appellants states that if the respondent proposes to assail the order dated 19th October, 2020 before the High Court, then the appellants shall not raise an objection as to the maintainability of the said petition on the grounds of delay.
7. While binding the appellants to the aforesaid submission, the present appeal is allowed and disposed of with liberty granted to the respondent to assail the order dated 19th October, 2020 in accordance with law. All questions on merits are left open for adjudication before the High Court.
8. The impugned order is quashed and set aside. The present petition is disposed of.

.....J.
[HIMA KOHLI]

.....J.
[SANDEEP MEHTA]

NEW DELHI
AUGUST 05, 2024

PS

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6956/2022

(Arising out of impugned final judgment and order dated 27-07-2021 in WA No. 617/2021 passed by the High Court Of Judicature At Madras)

THE DIRECTOR GENERAL OF POLICE (LAW AND ORDER) & ANR. PETITIONER(S)

VERSUS

D. BASKARAN

RESPONDENT(S)

(IA No. 56835/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-08-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. K. Radhakrishnan, Sr. Adv.
Mr. D.Kumanan, AOR
Ms. Deepa S, Adv.
Mr. Sheikh F Kalia, Adv.
Mr. Chinmay Anand Panigrahi, Adv.

For Respondent(s) Mr. R. Balasubramanian, Sr. Adv.
Mr. T. R. B. Sivakumar, AOR
Mr. Deva Vrat Anand, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order, which is placed on the file. Pending application is disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)