

No I-15016/7/2017-IPS.I  
Government of India / Bharat Sarkar  
Ministry of Home Affairs / Grih Mantralaya  
North Block, New Delhi – 110 001



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New Delhi, dated January, 2018

**ORDER**

02 JAN 2018

1. Whereas, Shri S. Manoharan, IPS (SPS:2001) filed an Original Application No.461/2012 in the Hon'ble CAT, Chennai Bench with the contention that the officers appointed as DSPs in the Indian Police Service in the year 1985 and were assigned 1991 as their year of allotment. He approached the Tribunal praying to "set aside the order of the first respondent (MHA) order No.I.15011/01/2009-IPS.I dated 28.01.2009 in so far it allots to the applicant the year of allotment as 2001 and to direct the first respondent (MHA) to grant the year of allotment as 1991 in the Indian Police Service by implementing the order of the Government of Tamil Nadu in G.O. Ms.No.98, Home (Pol.2) Department dated 07.02.2002, taking into account the deemed date of appointment of the applicant as Deputy Superintendent of Police (Category-I) in the State Police Service from 07.11.1984."

2. Whereas, the Original Application No.461/2012 was disposed of by the Hon'ble Tribunal vide order dated 15.03.2013 with the directions in the para 15 which are extracted below:

***"For the reasons stated above, the application is disposed of in the following terms:***

- (a) The order of the first respondent in File No. I.15011/1/2009-IPS.I dated 28.01.2009 in so far as the applicant is given the year of allotment as 2001 is set aside.***
- (b) There will be a consequential direction to the respondents to revise the year of allotment as 1998 with all benefits arising therefrom.***
- (c) There will be no order as to costs."***

3. Whereas, the Hon'ble Tribunal observed that the applicant's name to be included in the select list of the year 2002, while revising the year of allotment as 1998, the applicant has to be placed over and above Mr. M.T. Ganesa Murthy, who is junior to the applicant and whose year of allotment was given as 1998.

4. Whereas, the Writ Petition No.9104/2014 against the Hon'ble CAT, Madras Bench order dated 15.03.2013 was filed by Union of India (MHA) vs. S. Manoharan & Others in the Hon'ble High Court of Madras after consultation with the DOPT and the Ministry of Law & Justice. The Writ Petition was disposed of by the Hon'ble High Court of Madras vide order dated 10.02.2017. Operative part of the order reads as under:

***"23. As far as the case on hand is concerned, the learned Tribunal, in fact, has restricted the claim granted to the applicant though it observed that there was some justification in the claim of the applicant for being considered for promotion to the IPS cadre in 1995 itself with the year of allotment being 1991. Such being the case, no officer can have any quarrel with the fixation of seniority of the applicant as consequence of change of year of allotment from 2001 to 1998. The fact would remain that all the officers during the relevant point of time, would have been admittedly, juniors to the applicant, had the competent authority considered the claim of the applicant at the appropriate time. Therefore, in all fours, the directions given by the Tribunal do not warrant any interference and we do not find anything wrong about the fairness or legal validity of the directions given by the Tribunal in the circumstances of the case.***

***For the foregoing reasons, the Writ Petition fails and it is dismissed as devoid of merits. No costs. Consequently, connected MP is closed."***

5. Whereas, the SLP (Civil) Diary No.27074/2017 against the order dated 10.02.2017 passed by the Madras High Court in the Writ Petition No.9104/2014 was filed by Union of India (MHA) vs. S. Manoharan & Others before the Hon'ble Supreme Court of India after consultation with the DOPT and the Department of Legal Affairs, Ministry of Law & Justice. The case was heard by the Hon'ble Supreme Court and it was disposed of vide order dated 24.11.2017. The order dated 24.11.2017 passed by the Hon'ble Supreme Court read as under: -

***"Delay condoned.***

***We find no reason to entertain this Special Leave Petition, which is, accordingly, dismissed.***

***However, the question of law is kept open.***

***Pending application(s), if any, shall stand disposed of."***



6. Whereas, the SLP (Civil) Diary No. 27074/2017 was dismissed by the Hon'ble Supreme Court with no reason to entertain vide order dated 24.11.2017, hence this Ministry has decided to comply with the directions of the Hon'ble Tribunal dated 15.03.2013.

7. Therefore, in compliance of the direction of the Hon'ble Central Administrative Tribunal, Madras Bench dated 15.03.2013 in Original Application No. 461/2012, the seniority/year of allotment of Shri S. Manoharan is re-fixed as 1998 in place of 2001.

8. As per Rule 4 of the IPS (Regulation of Seniority) Rules, 1988, Shri S. Manoharan will be placed below Shri A. Arun (RR:1998), the junior most direct recruit IPS officer of 1998 and above Shri M.T. Ganeshmurthy (SPS:1998), the senior most SPS officer of 1998 batch of Tamil Nadu Cadre as per Civil List-2017.

9. This issues in modification of this Ministry's orders No.15011/1/2009-IPS.I dated 28.01.2009 with the approval of the Competent Authority.



(Ajay Kumar Singh)  
Under Secretary to the Government of India  
Tel. No. 2309 4517

Copy to:-

1. The Chief Secretary, Government of Tamil Nadu, CHENNAI {Kind Attn. Dr. Niranjani Mardi, Principal Secretary (Home Department)} with the request to inform the concerned officer.
2. The Accountant General, Tamil Nadu, Chennai.
3. IPS-II, IPS-III, IPS-IV, ACR Cell/Seniority Seat/Civil List Seat.
4. SO (IT) for uploading this order on the website of MHA-IPS Management>SPS to IPS>Seniority Fixation.



(Ajay Kumar Singh)  
Under Secretary to the Government of India