

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4217/2017

C.M.Rajasekaran

..

Petitioner

Vs

1.The Director General of Police
Kamarajar Salai, Mylapore
Chennai-4.

2.The Commissioner of Police
Coimbatore City, Coimbatore. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to revise and regularise the service seniority and give the promotion to the post of Office Assistant as per the 1st respondent proposal in Na.Ka.No.22/3756/DPP 2[3]/92 dated 27.07.1992 to the petitioner from the year of 1992 with monetary benefits and on the basis of the petitioner's representation dated 27.07.2014.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.P.Chinnadurai, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Chinnadurai, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner would aver that his father, viz., V.Muthukrishnan, was working as Sub Inspector of Police at Erode District and he died in harness on 25.03.1989 and the petitioner immediately submitted an application on 10.04.1989 to the 1st respondent seeking appointment on compassionate ground and in the year 2001, he got the said appointment as a Scavenger and continues to perform the duties of the Scavenger for 16 long years, though he is having necessary qualification, to be given the posting as an Office Assistant/promotion as Office Assistant.

3 The petitioner would further aver that the Commissioner of Police, Madurai City, in the letter dated 09.07.2001 in Na.Ka.No.A4/33588/2001 addressed to the Director General of Police - 1st respondent herein, has also indicated

that an initial recommendation was made to give appointment on compassionate ground to the petitioner as Office Assistant and also enclosed a copy of the same and also indicated that the files are not available. The petitioner in this regard, has also submitted a representation dated 27.07.2014 through proper channel to the 1st respondent, praying for his promotion to the post of Office Assistant and since no orders have been passed, the petitioner came forward to file the present writ petition.

4 The learned counsel for the petitioner would submit that in the light of the communication sent by the Commissioner of Police, Madurai City, Madurai to the 1st respondent dated 09.07.2001 and in the light of the fact that he has completed 10th standard, he ought to have been given appointment as an Office Assistant. Be that as it may, his claim can at least be considered for the post of Office Assistant and therefore, prays for appropriate orders.

5 Per contra, Mr.P.Chinnadurai, learned Government Advocate appearing for the respondents would submit that having submitted a representation, the petitioner has not submitted any acknowledgment and as and when the representation is received through proper channel, it will be considered and appropriate orders will be passed.

6 The Court has considered the rival submissions and also perused the materials placed before it.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the 2nd respondent along with a copy of this order as well as a copy of the earlier representation dated 27.07.2014 within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, upon receipt of the same, shall entertain the said representation, if the papers are otherwise in order and forward the proposal to the 1st respondent within a further period of four weeks thereafter and the 1st respondent, upon receipt of such proposal, is directed to consider the same on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of the proposal from the 2nd respondent and communicate the decision taken, to the petitioner.

8 The writ petition stands disposed of with the above direction. No costs. Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Director General of Police
Kamarajar Salai, Mylapore
Chennai-4.

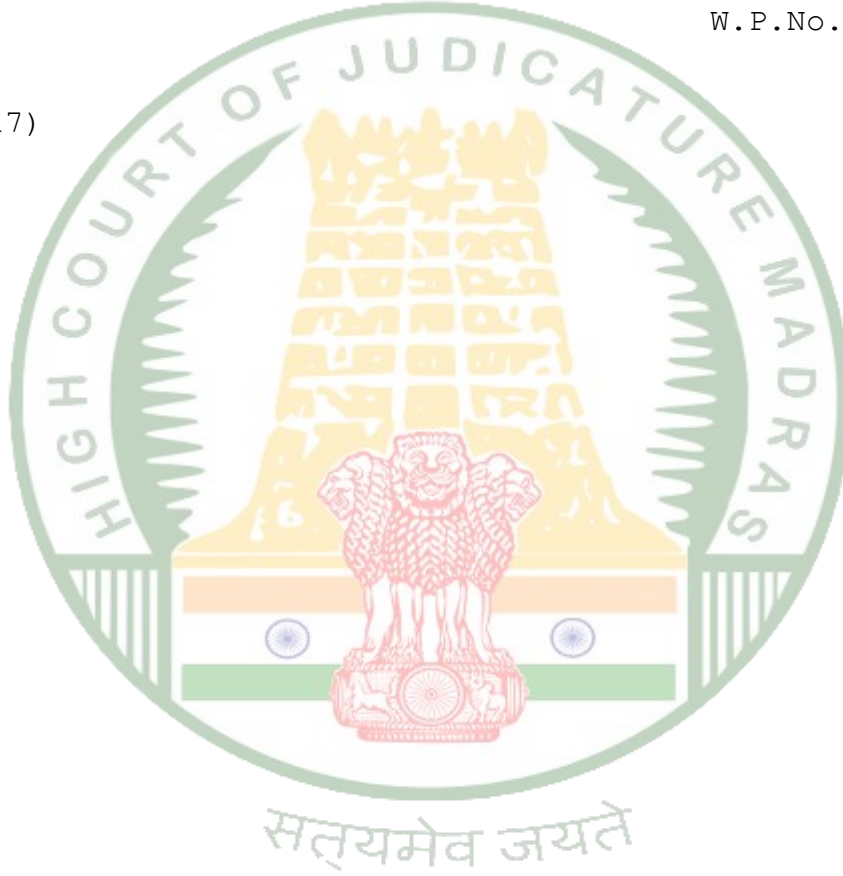
2.The Commissioner of Police
Coimbatore City, Coimbatore.

+1cc to Mr.A.Rajaram,Advocate sr.11023

+1cc to Government Pleader sr.11178

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