

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.408 of 2016

M.Sundararajan

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St George, Chennai.

2. The Director General of Police,
Madras-04.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner made on 13.07.2015 seeking to accord promotion to him for the post of Superintendent of Police on and from 06.09.2006, the date on which his juniors were promoted as Superintendent of Police and further direct the respondents to accord all consequential service benefits to the petitioner.

For Petitioner : Mrs.R.Sripriya for Mr.V.Raghavachari

For Respondents: Mr.R.S.Selvam
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to consider the representation submitted by the writ petitioner dated 13.07.2015 in respect of the promotion to the post of Superintendent of Police with retrospective effect.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner was holding the post of Additional Superintendent of Police and retired from service on attaining the age of superannuation. However, his right of promotion to the post of Superintendent of Police, is denied and in this regard, the writ petitioner had submitted a representation to the first respondent on 13.07.2015.

3.The learned Government Advocate appearing on behalf of the respondents at the out set opposed the contentions raised on behalf of the writ petitioner by stating that the writ petitioner is not at all qualified for promotion to the post of Superintendent of Police and in this regard a counter is also filed in this writ petition.

4.However, the prayer sought for in the writ petition is only for a direction to consider the representation and further this Court is of the view that the writ petitioner is entitled to get a reply from the competent authority in respect of the representation submitted on 13.07.2015. In other words, the representation submitted by the writ petitioner ought to have been considered and at least a reply should have been communicated to the writ petitioner. However, no such reply has been communicated to the writ petitioner so far.

5.Thus, without going in to the merits of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 13.07.2015 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. However, no order as to costs.

Sd/-
Assistant Registrar

/true copy/

Sub Assistant Registrar

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To

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

2. The Director General of Police,
Madras-04.

- 1 cc to Government Pleader, Sr. 69861
1 cc to M/s. V. Raghavachari, Advocate, Sr. 69641

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