

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.12.2018

CORAM :

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 23467 OF 2018

H.Syed Shajahan

.. Petitioner

- Vs -

1. The Secretary to Government
Home (Police III) Department
Fort St. George, Chennai 600 009.
2. The Director General of Police
Rajaji Salai, Mylapore
Chennai 600 004.
3. The Commissioner of Police
Chennai City, Vepery
Chennai 600 007.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 2nd respondent to treat the petitioner as 2013 batch under Grade-II PC and make necessary correction in the service record of the petitioner by considering the petitioner's representations dated 9.5.2018 and 3.7.2018 within a time frame fixed by this Court.

For Petitioner : Mr. I.Abdul Basith

For Respondent : Mr. A.N.Thambidurai, AGP

ORDER

This writ petition has been filed seeking direction to the respondents to consider the representation of the petitioner dated 3.7.18 and pass orders thereon.

2. The petitioner claims that he is presently working as Grade-II Police Constable in Greater Chennai City as AR-II. Previously, the petitioner was called for examination and selection for the post of Grade-II PC (TSP) for the year 2012 pursuant to his application dated 7.3.12, in which he came out

successful. The petitioner was called for medical examination by the 3rd respondent on 1.11.12. Thereafter, he received a communication dated 6.5.13 intimating that the 3rd respondent has been called upon to state whether the petitioner has come to adverse notice as per the local police station records and, thereafter, the petitioner will be sent for basic training. Subsequent to the same, the petitioner was issued with an appointment order only on 19.9.15, whereinafter, the petitioner was given basic training. On 9.5.18, the petitioner submitted a representation to the respondents to consider and treat the petitioner as a person belonging to 2013 batch. Since no order has been passed on the said representation, the present petition has been filed.

3. Mr.A.N.Thambidurai, learned Addl. Government Pleader takes notice for the respondents and vehemently opposed this petition on the ground that date of joining is crucial to decide the rights of the parties and the petitioner having joined only in the year 2015, he cannot be treated to be a person belonging to 2013 batch, irrespective of the reason for the delay in joining/appointing the petitioner.

4. In the light of the above objections raised by the learned Addl. Government Pleader, learned counsel for the petitioner submits that it would be suffice, if a direction is issued to the respondents to consider his representation on merits and dispose of the same in accordance with law.

5. In view of the limited relief sought for, noting the objections as raised by the learned Addl. Government Pleader, this Court is of the view that it would be suffice to direct the respondent to consider the representation submitted by the petitioner within a particular time frame.

6. In the above circumstances, this writ petition is disposed of directing the respondent to consider the representation dated 3.7.2018 submitted by the petitioner and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

GLN

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

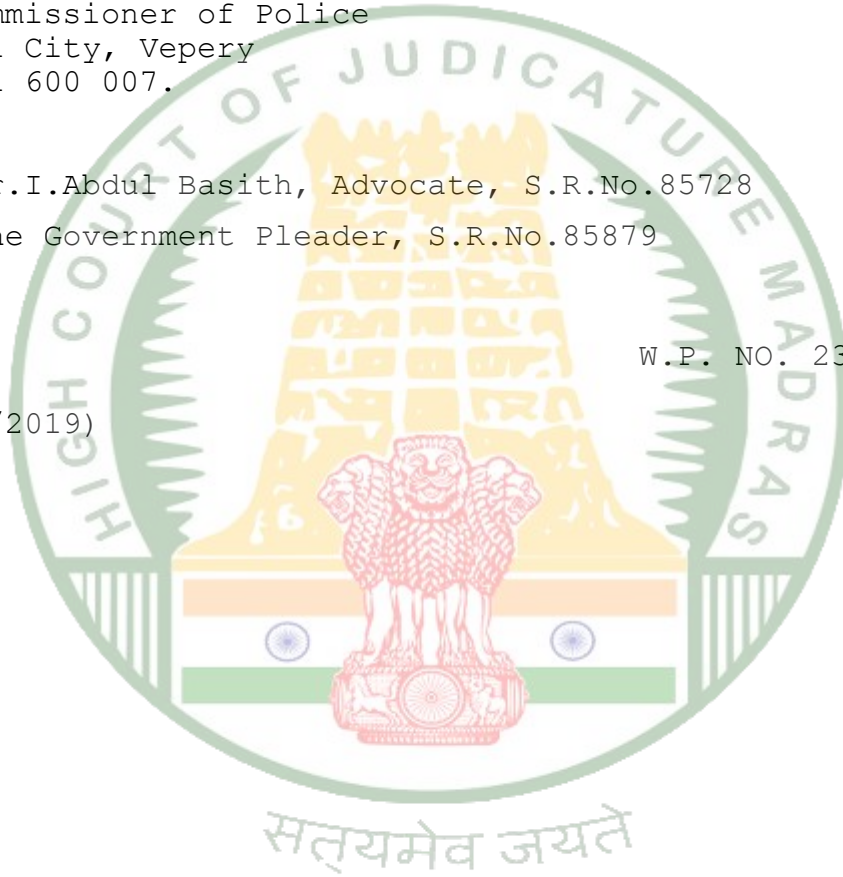
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+1cc to Mr.I.Abdul Basith, Advocate, S.R.No.85728

+1cc to the Government Pleader, S.R.No.85879

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ssv(CO)
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