

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.19038 of 2018

S.Balamurali

...Petitioner

Versus

1. The Secretary to Government,
Home (Police-3) Department,
Fort St.George, Chennai -9.

2. The Director General of Police,
Law & Order,
Mylapore, Chennai-04

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents 1 & 2 to fix the seniority on par with the 1st batch based on the marks secured by the petitioner in the police training college as per Rule by considering the representation of the petitioner dated 09.12.2017 within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus to direct the respondents 1 & 2 to fix the seniority of the Writ Petitioner on par with the 1st batch based on the marks secured by him in the police training college as per Rule, by considering the representation of the petitioner dated 09.12.2017 within a reasonable time.

2. Mr.V.Kadhirvelu, learned Special Government Pleader accepts notice for the respondents.

3.Considering the nature of relief sought for by the petitioner and the submissions made, this Court is of the view that no useful purpose would be served in seeking counter affidavit from the respondents before disposal of the Writ Petition.

4. By consent of both sides, this Writ Petition is taken up for hearing and disposed of at the stage of admission itself.

5. It appears that the petitioner was directly recruited as Sub-Inspector of police in the year 1997-1998. The grievance of the petitioner is that though the Government in G.O.No.116 dated 06.02.2017 had passed an order fixing the seniority of the persons who are the batch mates of the petitioner, but, the petitioner's seniority has not been fixed as per mandate of law. In this regard he has made a representation to the authority on 09.12.2017 i.e. to the first and second respondents to consider his case for fixation of seniority. Since, no orders have been passed till date, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

6. The learned counsel for the petitioner would submit that the respondents 1 and 2 may be directed to consider and dispose of the representation of the petitioner dated 09.12.2017 as per law, within a stipulated period.

7. The learned Special Government Pleader appearing for the respondents, has stated that the respondents shall have no objection to dispose of the representation of the petitioner dated 09.12.2017, if the same is pending but in accordance with law.

8. Hence regard being had to the facts and circumstances of the case and also the submissions made, this Court directs the respondents 1 and 2 to consider and dispose of the representation of the petitioner dated 09.12.2017, if the same is pending, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, if there is no other legal impediment and communicate the decision taken to the petitioner. However, it is made clear that this Court has expressed no opinion on the merits of the representation.

9. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Home (Police-3) Department,
Fort St.George, Chennai -9.
2. The Director General of Police,
Law & Order,
Mylapore, Chennai-04

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.19038

+1cc to the Government Pleader, S.R.No.51354

W.P.No.19038 of 2018

GSP(27/08/2018)



WEB COPY