



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.26342 of 2019

A.Muthaiah

... Petitioner

/vs./

1.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to revise and regularize the basic pay more than my junior namely Srinivasaragavan (Special Sub Inspector) on the basis of the petitioner's representation dated 03.09.2019.

For Petitioner : Mr.A.Rajaram
For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to revise and regularize the basic pay more than his junior namely Srinivasaragavan (Special Sub Inspector), in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 03.09.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within



the stipulated time.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 03.09.2019, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the first respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

cp

To:

1.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

+1cc to Mr.A.Rajaram, Advocate, Sr.No.104589
+one cc to Special Government Pleader

SMA/02/01/2020/2P/5C

Order made in
W.P.(MD)No.26342 of 2019
Dated:12.12.2019