



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.3224 of 2020

A.M.Annamalai

... Petitioner

/vs./

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai 600 004.

2.The Commandant,
Tamil Nadu Special Police 9th Battalion,
Manimuthar, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to fix petitioner seniority on par with his batch mates recruited in the year 2009 based on his representation dated 01.04.2019 and 11.04.2019 and in the light of the proceedings passed by the first respondent in C.No.3362/Rect1(2)/2016, dated 11.11.2016 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

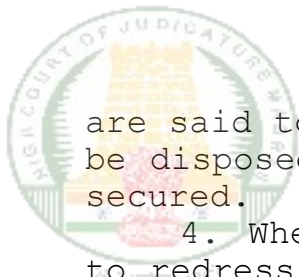
For Respondents : Mr.M.Jeyakumar
Additional Government Pleader

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 1st respondent to fix petitioner seniority on par with his batch mates recruited in the year 2009 based on his representation dated 01.04.2019 and 11.04.2019 and in the light of the proceedings passed by the first respondent in C.No.3362/Rect1(2)/2016, dated 11.11.2016, 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 representations on 01.04.2019 and 11.04.2019 in this regard, which



are said to be pending. If the said representations are 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 respondents herein to consider the petitioner's representations, dated 01.04.2019 and 11.04.2019, 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 representations and it is for the respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai 600 004.

2.The Commandant,
Tamil Nadu Special Police 9th Battalion,
Manimuthar, Tirunelveli District.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-6873[F]

+1 CC to M/s.Special Govt.Pleader (SR-7067[F]

Order made in
W.P.(MD)No.3224 of 2020

Dated:
18.02.2020

rmk

SDS (27.02.2020) 2P-5C

<https://hcservices.ecourts.gov.in/hcservices/>