



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2020**

CORAM:

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

W.P.(MD) No.3273 of 2020

M.Subbiah, HC1123 1059
(Now under suspension and
not allowed to retire)

... Petitioner

vs.

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

2.The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli.

3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's case for promotion to the post of Special Sub Inspector of Police temporarily in view of Rule 15(d) of Special Rules for Tamilnadu Police Subordinate service by way of accelerated promotion on the date of the co-delinquents promoted, subsequently sanctioned the monetary benefits also within the time limit that may be stipulated by this Court.

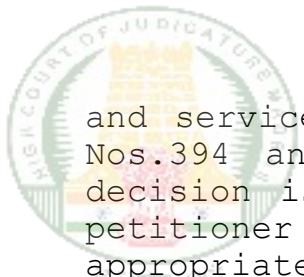
For Petitioner : Mr.A.Gandiappan

For Respondents : Mr.V.Anand
Government Advocate

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 consider the petitioner for promotion to the post of Special Sub Inspector of Police temporarily, in view of Rule 15(d) of Special Rules for Tamil Nadu Police Subordinate Services by way of accelerated promotion on the date of the co-delinquents promoted, with all consequential monetary



and service benefits in the light of the order passed in W.P(MD). Nos.394 and 395 of 2011, dated 22.11.2011, in my view, such a decision is to be taken by the first respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

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3. The petitioner would submit that he has already made representation on 11.01.2020 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 11.01.2020, on its own merits and pass appropriate orders within a period of twelve (12) 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 (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

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



2.The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli.

3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.SPL.GP (SR-7260[F] dated 20/02/2020)

W.P. (MD) No.3273 of 2020
19.02.2020

JMN(02.03.2020) 3P : 5C