



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4343 of 2020

WEB COPY

S.Vincent

... Petitioner

/vs./

The Superintendent of Police,
Kanyakumari District at Nagercoil.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondent to promote / upgrade the petitioner to the post of Special Sub Inspector of Police on par with the petitioner's batchmates by extending the benefits of the petitioner's own proceedings in C.No.A1/35000/2010, dated 12.08.2010 based on the petitioner's representation dated 18.08.2017 and reminder representation dated 04.12.2019 submitted in person within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondent : Mr.R.Sethuraman,
Special Government Pleader.

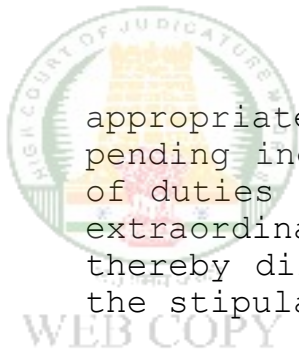
ORDER

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 the respondent to promote / upgrade him to the post of Special Sub Inspector of Police on par with his batchmates by extending the benefits of the petitioner's own proceedings in C.No.A1/35000/2010, dated 12.08.2010, in my view, such a decision is to be taken by the respondent 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 the representation on 18.08.2017 and 04.12.2019 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 respondent herein to consider the petitioner's representations, dated 18.08.2017 and 04.12.2019, 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 respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

The Superintendent of Police,
Kanyakumari District at Nagercoil.

+1 CC to Mr.G.THALAIMUTHARASU, Advocate (SR-9540[F] dated
02/03/2020)

Order made in
W.P.(MD)No.4343 of 2020
Dated:28.02.2020

MK (11.03.2020) 2P 3C