

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7029 of 2021
(Heard through VC)

K.Muruganantham

.. Petitioner

-vs-

1.The Secretary to Government,
Home (Police) Department,
Chennai.

2.The Director General of Police,
Law & Order,
Chennai - 600 004.

3.The Superintendent of Police,
District Police Office,
Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider and pass orders on the petitioner's representation dated 14.02.2018, regarding granting of promotion on par with his juniors in the light of the orders passed by the Division Bench of this Hon'ble Court in W.P.No.25043/2002 dated 18.09.2007 which was implemented by Government vide G.O.Ms (No). 1633 (Home Pol VI) Department dated 12.12.2008 and in the light of G.O.Ms.No.308 Home (Police VI) Department dated 17.06.2019, within a time frame.

For Petitioner : Mr.G.Bala and Daisy

For Respondents : Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the first respondent herein to consider and pass orders on the petitioner's representation dated 14.02.2018, regarding granting of promotion on par with his juniors in the light of the orders

passed by the Division Bench of this Hon'ble Court in W.P.No.25043/2002 dated 18.09.2007 which was implemented by Government vide G.O.Ms (No).1633 (Home Pol VI) Department dated 12.12.2008 and in the light of G.O.Ms.No.308 Home (Police VI) Department dated 17.06.2019.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice on behalf of the respondents.

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

4. The facts of the case is that the petitioner is currently working in the Security Branch CID in Chennai on OD basis. His parent unit is Armed Reserve Erode District. On 11.05.2017, the third respondent had published a combined seniority list of the police personnel working in the Armed Reserve in Erode District. As per the seniority list, his juniors were give promotion in the year 2007, whereas, the petitioner was given promotion only in the year 2012. Aggrieved by the above orders, the petitioner had submitted a representation dated 14.02.2018 to the second respondent seeking promotion to the post of Sub-Inspector of Police, Armed Reserve on par with his juniors. Further it is stated that the first respondent has also passed an order in G.O.Ms.No.1623 (Home Pol VI) Department dated 12.12.2008 complying with the orders passed by the Division Bench of this Court in W.P.No.25043/2002 dated 18.09.2007, which was also implemented by Government vide G.O.Ms.No.304 Home (Police VI) Department dated 17.06.2019. But, till date no orders have been passed on his representation. Hence the petitioner has approached this Court by way of filing this writ petition.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondent, the writ petition is disposed of with the following directions:

i) A direction is issued to the second respondent herein to consider the representation of the petitioner dated 14.02.2018, if not already disposed of and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same

shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the second respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 14.02.2018 and this order, to the second respondent forthwith;

v) The second respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Home (Police) Department,
Chennai.
- 2.The Director General of Police,
Law & Order,
Chennai - 600 004.
- 3.The Superintendent of Police,
District Police Office,
Erode District.

+1cc to the Government Pleader, S.R.No.17752

W.P.No.7029 of 2021

PP (CO)
CB(13/07/2021)



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