

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8233 of 2021

T. Baskaran

... 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

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent herein to consider and pass orders on the petitioner's representation dated 24.01.2020 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.1623 (Home Pol VI) Department dated 12.12.2008 and in the light of G.O.Ms.No.304 Home (Police VI) Department dated 17.06.2019.

For Petitioner : Mr.G.Bala and Daisy

For Respondents : Mr.J.Pothiraj
Special Government Pleader

WEB COPY
ORDER

This writ petition has been filed, seeking a direction to the first respondent herein to consider and pass orders on the petitioner's representation dated 24.01.2020 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.1623 (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.J.Pothiraj, learned Special Government Pleader takes notice for Respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he joined the Police Department as Grade II Police Constable on 31.10.1997 and he was promoted as Grade I Constable and further the petitioner was promoted as Grade I Police Constable and Head Constable. The petitioner has completed more than 24 years of service and presently working in Motor Transport Wing, Armed Reserve Erode District. The petitioner submits that in violation of the orders of the Division Bench and Government order, the third respondent is maintaining two seniority list in Armed reserve and due to this the petitioner has been denied promotion and his junior has been promoted. Stating all this he has preferred a representation to the Head of the Department on 24.01.2020, since no orders has been passed the petitioner has approached this Court with the present writ petition.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner representation is already pending with the first respondent and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the first respondent herein to consider the representation preferred by the petitioner dated 24.01.2020 if the petitioner is found to be eligible 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 90 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 first 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 24.01.2020 and this order, to the first respondent forthwith;

v) The first 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-V)

//True copy//

Sub Assistant Registrar

dpq

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 Mr.G.Bala and Daisy, Advocate SR.No.20949

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RK(CO)
GMY(02/07/2021)