



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2971 of 2021

S.Murugan

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Home Secretary,
St. George Fort,
Secretariat,
Chennai - 600 009.

2.The Director General of Police (DGP),
Government of Tamil Nadu,
Dr.S.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

3.The Superintendent of Police,
O/o. The Superintendent of Police,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 and 2 to revise the petitioner's seniority as per the orders passed in the Writ Petitions in W.P.(MD).No.5270 of 2009 and W.P.(MD).No.9210 of 2010, dated 19.07.2010 by fixing the petitioner's seniority as per the order of the 1st respondent dated 21.08.2001 in Reference No.C.No.57000/Vol.10/REC.1/1999, dated 21.08.2001 with all attendant and monetary benefits with effect from the date of his appointment in 1997 - 1998 Batch and consequently, to include the petitioner's name in the Panel Fit for promotion to the Post of Deputy Superintendent of Police by considering his representations dated 07.09.2020 and 29.09.2020.

For Petitioner : Mr.J.Lawrance

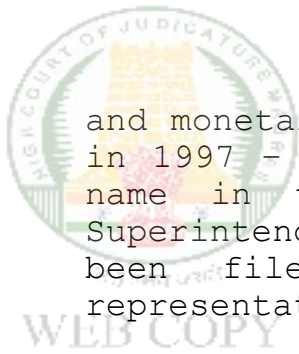
For Respondents : Mr.M.Muniyasamy

Additional Government Pleader

O R D E R

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

2.Since the petitioner's request to the respondents to revise the petitioner's seniority as per the orders passed in the Writ Petitions in W.P.(MD).No.5270 of 2009 and W.P.(MD).No.9210 of 2010, dated 19.07.2010 by fixing the petitioner's seniority as per the order of the 1st respondent dated 21.08.2001 in Reference No.C.No.57000/Vol.10/REC.1/1999, dated 21.08.2001 with all attendant



and monetary benefits with effect from the date of this appointment in 1997 - 1998 Batch and consequently, to include the petitioner's name in the Panel Fit for promotion to the Post of Deputy Superintendent of Police, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 29.09.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 29.09.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 29.09.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.Home Secretary,
The State of Tamil Nadu,
St. George Fort,
Secretariat,
Chennai - 600 009.

2.The Director General of Police (DGP),
Government of Tamil Nadu,
Dr.S.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

3.The Superintendent of Police,
O/o. The Superintendent of Police,
Tuticorin District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-5841[F] dated 18/02/2021)

+1 CC to M/s.SPL GP (SR-6173[F] dated 19/02/2021)

W.P. (MD) No.2971 of 2021
17.02.2021

KUN(CO)
KB(08.03.2021) 3P 6C