



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3097, 3099, 3102, 3112 and 3119 of 2021

and

W.M.P (MD) Nos.2475, 2477, 2480, 2481, 2482, 2483, 2486, 2487, 2490 and 2492 of 2021

WEB COPY

- 1.P.Balakumaraswamy ...Petitioner in W.P.(MD) No.3097 of 2021
- 2.K.Sugumaran ...Petitioner in W.P.(MD) No.3099 of 2021
- 3.Kavurajan ...Petitioner in W.P.(MD) No.3102 of 2021
- 4.R.Pandiyan ...Petitioner in W.P.(MD) No.3112 of 2021
- 5.N.Rajkumaran ...Petitioner in W.P.(MD) No.3119 of 2021

Vs.

1.The State of Tamil Nadu,
Rep by Additional Chief Secretary to Government,
Home (Police III) Department,
Fort St George,
Chennai-09.

2.The Director General of Police,
Office of DGP,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

... Respondents
(in all W.Ps)

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to include the petitioners in the final seniority list of Sub-Inspectors of Police belonging to 1997-98 batch selection in appropriate place as per Rule 25(a) of Tamil Nadu Special Police Subordinate Service Rules in the order issued by the second respondent vide Rc. No.284045/Rec.II(1)/2011 dated 30.01.2021 in the light of G.O.Ms.No.556, Home (Police-III) Department dated 31.12.2020 issued by the first respondent within a time frame fixed by this Court.

For Petitioner
(in all W.Ps)

: Mr.A.Edwin Prabakar

For Respondents
(in all W.Ps)

: Mrs.J.Padmavathi Devi
Special Government Pleader



COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

2. Since the petitioners' request to the respondents to include their names in the final seniority list of Sub-Inspectors of Police belonging to 1997-98 batch selection in appropriate place as per Rule 25(a) of Tamil Nadu Special Police Subordinate Service Rules was not considered, these Writ Petitions have been filed. According to the petitioners, they have made a representation in this regard on 03.02.2021, 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 petitioners' representation dated 03.02.2021, 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 petitioners 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 petitioners' representation dated 03.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

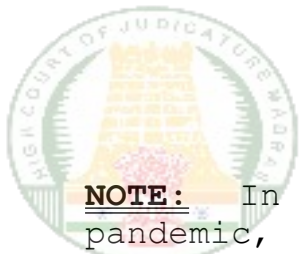
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/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home (Police III) Department,
Fort St George,
Chennai-09.

2.The Director General of Police,
Office of DGP,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

+5 CC to M/s.T.SENTHIL KUMAR, Advocate (SR-6093 to 6097)

+1 CC to M/s.SPL GP (SR-6228[F] dated 19/02/2021)

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3112 and 3119 of 2021
and

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18.02.2021

(SRK) CO
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