



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.4292 of 2021

U.Karthika

...Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Beach Road, Mylapore,
Chennai-600004.

2.The Commissioner of Police,
O/o.the Commissioner of Police,
Madurai-625002.

3.The Deputy Commissioner of Police,
Armed Reserve, Madurai City.

4.The Assistant Commissioner of Police,
Armed Reserve, Madurai City.

... Respondents

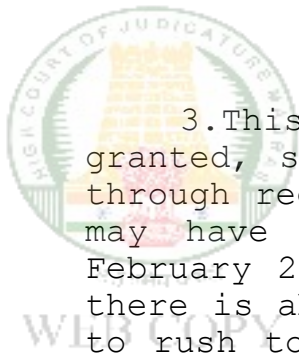
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 22.02.2021 within the time stipulated by this Court and for other reliefs.

For Petitioner : Mr.G.Anto Prince
For Respondents : Mr.S.Dhayalan
Government Advocate

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.The petitioner was imposed with a punishment of postponement of increment for a period of one year on 07.02.2019 pursuant to the disciplinary proceedings. In this back ground, the petitioner had given a Mercy Petition on 22.02.2021 to the first respondent herein seeking for interference in the punishment imposed by the third respondent herein. The present writ petition has been filed seeking for issuance of writ of mandamus to direct the first respondent to consider the petitioner's representation dated 22.02.2021.



3.This Court is of the view that such a request cannot be granted, since the representation itself was made on 22.02.2021 through registered post and apparently, the first respondent herein may have received the representation either on 23rd or 24th of February 2021. This writ petition has been filed on 24.02.2021 and there is absolutely no justification on the part of the petitioner to rush to this Court seeking for issuance of a mandamus, without awaiting for the consideration of his representation within a reasonable time.

4.It is settled proposition of law that a writ of mandamus would usually be issued in matters of this kind only when there is an inordinate delay on the part of the statutory authority to consider the representation of an employee. In the instant case, there is absolutely no delay and therefore, issuance of a writ of mandamus does not arise for consideration.

5.Hence, this Writ Petition stands dismissed. However, if the petitioner is of the view that his representation dated 22.02.2021 is not taken up for consideration within a reasonable time, in any case, within a period of three months, it would be open to him to seek for such a direction before this Court for expeditious disposal of the representation. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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

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+1 CC to SPL GP (SR-8715[F] dated 04/03/2021)

+1 CC to Mr.G.ANTO PRINCE, Advocate (SR-8859[F] dated 04/03/2021)

W.P. (MD) No.4292 of 2021
03.03.2021

VB (19.03.2021) 3P 7C