



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.5538 of 2021

R.Arunachalam

...Petitioner

Vs.

1.The State of Tamilnadu
Rep by its Secretary,
Home (Police-V) Department,
Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Santhome, Chennai.

3.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to promote the petitioner to the post of Head Constable, Police Department, along with arrears of salary from the year 2009 till 2012 on the basis of his representation dated 11.02.2021 within the time stipulated by this Court.

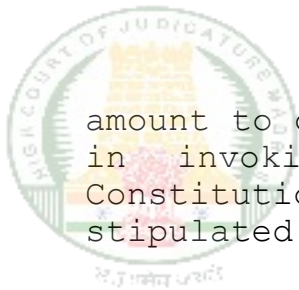
For Petitioner : Mr.A.R.Kannappan
For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate

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.Since the petitioner's request to the respondents to promote him to the post of Head Constable, Police Department along with arrears of salary from the year 2009 to 2012 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 11.02.2021, 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 third respondent herein to consider the petitioner's representation dated 11.02.2021, 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 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 third respondent to consider the petitioner's representation dated 11.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 (A.S)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

CP

To:-

1. The Secretary,
State of Tamilnadu
Home (Police-V) Department,
Fort St. George,
Chennai-600 009.



2.The Director General of Police,
Santhome, Chennai.

3.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

1 CC to M/s.J.YESU SUBANANTH, Advocate (SR-11234[F] dated
15/03/2021)

+1 CC to M/s.SPL GP (SR-11616[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11626[F] dated 16/03/2021)

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GS(22.03.2021) 3P 7C