



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.11512 of 2016

K.Ezhilan

...Petitioner

-Vs-

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

2.The Director General of Police,
Mylapore, Chennai - 600 004.

3.The Commissioner of Police,
Vepery, Chennai - 600 007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd and 3rd respondents to promote the petitioner to the post of Sub-Inspector of Police at par with his juniors considering the name of the petitioner in the 1991 Range Promotion Board along with the disbursement of arrears of back wages calculated from 09.11.1987 to 28.02.2002.

For Petitioner : Mr.S.N.Ravichandran,
for Mr.S.Vijayaganesh

For Respondents: Mr.E.Veda Bagath Singh,
Special Government Pleader

ORDER

The petitioner herein had given a representation on 22.12.2012 seeking promotion to the post of Sub-Inspector of Police along with back wages from 09.11.1987 to 28.10.2002. Since the said representation was not considered, the present writ petition has been filed.

2. 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.

3. Since the representation given by the petitioner dates back to the year 2012, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the second and third respondents to consider the same, thereby securing the ends of justice.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the second and third respondents herein ventilating his grievances, along with a copy of the earlier representation dated 22.12.2012. On receipt of such a representation, the respondents shall consider both the representations and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the concerned respondent to consider it on its own merits.

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

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

hvk

To

- 1.The Principal Secretary,
Home (Police-V) Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Director General of Police,
Mylapore, Chennai - 600 004.



3.The Commissioner of Police,
Vepery, Chennai - 600 007.

+1cc to M/s.S.Vijayaganesh, Advocate, S.R.No.6793

+1cc to the Government Pleader, S.R.No.6881

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KSM(CO)
SB(14/02/2022)