



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.14337 OF 2012

A.Anthonyrajan

... Petitioner

-Vs-

1. The Secretary to Government,
Home (Police V) Department,
Fort St. George,
Chennai - 9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.
3. The Commissioner of Police,
Chennai City Police,
Chennai.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to notionally promote the petitioner as Gr-I PC and as Head Constable at par with his batchmates in view of the relaxation order passed by the 1st respondent in G.O.Ms.No.581, Home (Pol.V) Department, dated 06.07.2006 and further promote him as Special Sub-Inspector of Police w.e.f. 01.08.2010 at par with his batchmates and grant him all consequential service and monetary benefits.

For Petitioner : Mr.Venkataramani
Senior Counsel
For Mr.M.Muthappan

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



ORDER

The petitioner herein had given representations on 10.09.2010 and 08.02.2011 seeking notional promotion to the post of Grade-I Police Constable and as Head Constable, in view of G.O.Ms.No.581, Home (Pol.V) Department, dated 06.07.2006 and further promotion to the post of Special Sub-Inspector, along with all consequential benefits. Since the said representations were not considered, the present writ petition has been filed.

2. It is needless to point out that whenever representations of this nature are 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 representations given by the petitioner dates back to the years 2010 and 2011, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the second respondent 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 respondent, ventilating his grievances, along with a copy of the earlier representations dated 10.09.2010 and 08.02.2011. On receipt of such a representation, the second respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of 8 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

//True Copy//

Sub Assistant Registrar

hvk



To

1. The Secretary to Government,
Home (Police V) Department,
Fort St. George,
Chennai - 9.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

3. The Commissioner of Police,
Chennai City Police,
Chennai.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.10174
+1cc to the Government Pleader, S.R.No.10726

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PL(CO)
PBS/04/03/2022