



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34052 of 2012

G.S.Sudhakar

...Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai - 600004.

2.The Commandant,
Tamil Nadu Special Police, II Battalion,
Avadi,
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 grant seniority based on the merit list of Grade-II Police Constables for the year 97-98 and grant in further promotions on par with the persons recruited in the year 97-98 with all consequential monetary and other service benefits.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.C.Selvaraj [R1]

Additional Government Pleader

No Appearance [R2]

ORDER

The petitioner herein had given representations to the respondents requesting them to grant him the post of Grade-II Police Constable for the year 1997-98 on the seniority based merit list. 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 year 1999, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (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 that it is open to the concerned respondent to consider the same on its own merits.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Director General of Police,
Mylapore,
Chennai - 600004.

2.The Commandant,
Tamil Nadu Special Police, II Battalion,
Avadi, Chennai.

+1 CC to Mr.M.Guruprasad, Advocate sr 15060
+1 CC to Mr.M.Gnanasekar, Advocate sr 14413.

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MT(CO)
SP(23/03/2022)