



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.28211 & 28213 of 2018

M.A.Kamal Mohan	...Petitioner in W.P.No.28211/18
C.Sivasankar	...Petitioner in W.P.No.28213/18

-Vs-

- 1.The Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 09.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 04.
- 3.The Additional Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 04. ...Respondents in W.P.No.28211/18
- 1.The Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 09.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 04. ...Respondents in W.P.No.28213/18

Prayer in both the Writ Petitions: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 to 3 to fix the seniority on par with the batchmates based on the marks secured by the petitioners in the police training college as per Rule by considering the petitioner representations dated 19.04.2017 & 30.12.2016 respectively within a reasonable time.

For Petitioners	: Mr.S.Sivakumar in both the WPs
For Respondents	: Mr.C.Selvaraj, Addl.Govt.Pleader in W.P.No.28211/18
	: Mr.P.Ganesan, Government Advocate in W.P.No.28213/18



COMMON ORDER

The petitioners herein had made several representations to the respondents seeking to fix seniority on par with the bachmates based on the marks secured by the petitioners in the police training college as per Rule. Since the representations were not considered, these present writ petitions have 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 petitioners dates back in the year 2015, it would be appropriate that the petitioners be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents to consider the same.

4 In the light of the above observations, the petitioners are granted liberty to give a fresh representation to the respondents ventilating their 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 weeks from the date of receipt of a fresh representation of the petitioners concerned. 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

5 With the above direction, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 09.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 04.
3. The Additional Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 04.

+2cc to Mr.S.Sivakumar, Advocate, S.R.No.3659

W.P.Nos.28211 & 28213 of 2018

GPL(CO)
KKV/04/02/2022