



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) .No.13087 of 2019

and

W.M.P (MD) Nos.9763 & 9764 of 2019

M.Gurusamy

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home Department,
Secretariat,
Chennai-600 009.

2.The Principal Secretary to the Government,
Home Department,
Secretariat,
Chennai-600 009.

3.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.

4.The Additional Director General of Police,
Law & Order,
Beach Road,
Mylapore,
Chennai-600 004.

5.The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur,
Thanjavur District.

6.The Deputy Inspector General of Police,
Vilupuram,
Vilupuram District.

7.The Superintendent of Police,
Nagapattinam,
Nagapattinam District.



8.The Superintendent of Police,
Railway Police Office,
Graford, Trichirapalli.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Director General of Police, Chennai, the third respondent herein to include petitioner's name at the appropriate place in the panel of the Deputy Superintendent of Police being prepared for the year 2018-2019 and to promote the petitioner's as the Deputy Superintendent of Police from 30.01.2018 on which petitioner's juniors of 1996 batch were promoted as Deputy Superintendent of Police with all attendant benefits duly giving effect to petitioner's promotion to the post of the Inspector of Police from the panel year 2005-2006 during which petitioner's juniors of 1996 batch of the Sub Inspector of Police were promoted as the Inspector of Police and duly considering petitioner's representation, dated 04.05.2019.

For Petitioner : M/s.T.Lajapathi Roy
for Mr.S.Rajasekar

For Respondents : Mr.G.Suriyananth,
Additional Government Pleader.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 04.05.2019 seeking for inclusion of the petitioner's name in the panel of the Deputy Superintendent of Police being prepared for the year 2018-2019 and for promotion as DSP from the date on which Inspectors of Police empaneled in the panel year 2015-2016 were promoted as the Deputy Superintendent of Police. Since the said representation was not considered, the present Writ Petition has been filed.

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, there shall be a direction to the petitioner to give a fresh representation to the third respondent, though he has made a representation, dated 04.05.2019, seeking for inclusion of his name in the panel of the Deputy Superintendent of Police being prepared for the year 2018-2019 and for promotion as DSP from the date on which Inspectors of Police empaneled in the panel year 2015-2016 were promoted as the Deputy Superintendent of Police. On receipt of such representation, the third respondent herein is directed to consider the same, 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 a fresh representation. **(*) Deleted**

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

(*) Deleted as per the order of this court dated 22/07/2022 and made in WP(MD).No. 13087 of 2019

Sd/-

Assistant Registrar (CS II)

// True Copy //

/08/2022

Sub Assistant Registrar(CS)

btr/TM

(*) to be substituted the order already despatched on 15/07/2022
To

1.The Additional Chief Secretary to Government,
Home Department,
Secretariat,
Chennai-600 009.

2.The Principal Secretary to the Government,
Home Department,
Secretariat,
Chennai-600 009.

3.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.



4.The Additional Director General of Police,
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5.The Deputy Inspector General of Police,
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Thanjavur,
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6.The Deputy Inspector General of Police,
Vilupuram,
Vilupuram District.

7.The Superintendent of Police,
Nagapattinam,
Nagapattinam District.

8.The Superintendent of Police,
Railway Police Office,
Graford, Trichirapalli.

9. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-33698 dated 06/07/2022)

+1 CC to M/s.SPL.GP (SR-30113[F] dated 06/07/2022)

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05.07.2022

SS/14/07/2022/ 4P 12C

KB/02/08/2022/ 4P 12C