



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) .No.13662 of 2022

and

W.M.P. (MD) .Nos.9717 and 9719 of 2022

S.Ramakrishnan

...Petitioner

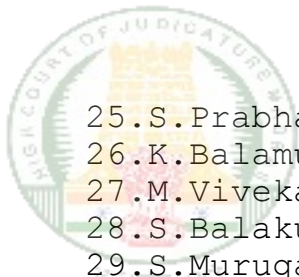
Vs

1.The Additional Chief Secretary to the Government,
Home (Police.1A) Department,
Secretariat,
Chennai.

2.The Director General of Police/Head of Police Force,
Chennai.

3.The Superintendent of Police,
Tirunelveli District.

- 4.S.Namasivayam
- 5.R.Kumaresan
- 6.V.Visweshwarayya
- 7.K.Saravanan
- 8.M.Somasundaram
- 9.R.Venugopal
- 10.T.Gopal
- 11.S.Baskaran
- 12.T.Madhiyalagan
- 13.V.Anil Kumar
- 14.R.Soundarrajan
- 15.R.Chandrasekaran
- 16.V.V.Thirumal
- 17.S.Justin Raj
- 18.N.Surya Moorthy
- 19.N.Prakash Babu
- 20.S.Panbalan
- 21.G.Balamurugan
- 22.K.Ramachandran
- 23.R.Srinivasalu
- 24.M.Annadurai



25.S.Prabhakaran
26.K.Balamurugan
27.M.Vivekanandhan
28.S.Balakumar
29.S.Murugavel

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the Government Order issued by the first respondent in G.O.(Ms) No.263 Home (Police.1A) Department dated 30.05.2022 approving the temporary panel of Deputy Superintendents of Police (Category-1) fit for promotion to the post of Additional Superintendents of Police (Category-1) for the year 2021 to 2022 and quash the same insofar as the respondents No. 4 to 29 are concerned and consequently direct the first and second respondents to include the petitioner's name in the said temporary panel by showing his name above the respondents No. 4 to 29 and consequently publish the same expeditiously within the time limit as prescribed by this Court.

For Petitioner : Mr.R.Anand
for Mr.P.Gunasekaran
For R-1 to R-3 : Mr.Veera Kathiravan,
Additional Advocate General,
Assisted by,
Mr.A.Sivanupandian,
Government Advocate.

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Though the prayer sought for in this writ petition is larger in nature, the learned Counsel for the petitioner confines the prayer to consider the petitioner's representation dated 14.06.2022. The learned Additional Advocate General, assisted by the learned Government Advocate appearing for the respondents has also no serious objection for the same.

3. The petitioner herein had given a representation to the first respondent on 14.06.2022 seeking for approval of the temporary panel of Deputy Superintendents of Police (Category-1) fit for promotion to the post of Additional Superintendents of Police (Category-1) for the year 2021 to 2022 and inclusion of the petitioner's name in the said temporary panel by showing his name above the respondents No. 4 to 29. Since the said representation was not considered, the present writ petition has been filed.

4. 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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 14.06.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

30/06/2022

Sub Assistant Registrar(CS)

Nsr/Lm

To

1.The Additional Chief Secretary to the Government,
Home (Police.1A) Department,
Secretariat, Chennai.

2.The Director General of Police/Head of Police Force,
Chennai.

3.The Superintendent of Police,
Tirunelveli District.

+1 CC to M/s.P. GUNASEKARAN, Advocate (SR-28789[F] dated 29/06/2022)

+1 CC to M/s.SPL.GP (SR-28962[F] dated 30/06/2022)

W.P. (MD) .No.13662 of 2022
29.06.2022

SVN(CO)GC(30.06.2022) 3P 6C

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