



WP(MD)No.14194 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **05.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.14194 of 2022

P.Gopala Krishnan

... Petitioner

/vs./

1.The Secretary to the Government,
Home Department,
St.George Fort, Chennai.

2.The Director General of Police,
Kamaraj Salai,
Mylapore, Chennai-600 004.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to count 50 percentage of service rendered on consolidated pay and non-provincialised in other department prior to the petitioner's appointment in the police department based on the recommendation made by the third respondent in his letter, dated 13.11.2017 and 31.08.2020 in the light of Rule 11 of Tamil Nadu Pension Rules, 1978.



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For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.M.Siddharthan
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 25.06.2021 seeking for 50 percentage of service rendered on consolidated pay and non-provincialised in other department prior to the petitioner's appointment in the police department, based on the recommendation made by the third respondent in his letter, dated 13.11.2017 and 31.08.2020 in the light of Rule 11 of Tamil Nadu Pension Rules, 1978. 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-



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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 first respondent herein to consider the petitioner's representation dated 25.06.2021, in the light of the proposals sent by the third respondent in Rc.No.A4/26878/2017, dated 13.11.2017 and Na.Ka.No.A4-026194-2019, dated 31.08.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.

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

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Index : Yes / No
Internet : Yes / No
btr/TM



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M.S.RAMESH, J.

btr/TM

Order made in
W.P.(MD)No.14194 of 2022

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05.07.2022