



W.P.(MD) No.19369 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.19369 of 2022
and W.M.P.(MD).Nos.14136 & 14138 of 2022

P.Ramachandran

... Petitioner

Vs.

**1.The District General of Police,
O/o. The Director General of Police,
Chennai.**

**2.The Deputy Inspector General of Police,
O/o. The Deputy Inspector General of Police,
Madurai Range,
Madurai.**

**3.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.**

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, Certiorarified Mandamus to calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings C.No.A2/6259/143/2015 R.O.no.2015 dated 27.5.2015 and the consequential impugned order passed by the 3rd respondent in his proceedings



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C.no.F1/24356/2015 D.O.No.784/2015 dated 03.06.2015 and the consequential rejection order passed by the 2nd respondent vide the C.No.A2(1)/6259/143/2015 dated 4.1.2018 and C.No.A2(1)/6259/143/2015 dated 4.4.2018 and C.No.A2(1)/6259/143/2015 dated 7.11.2018 and quash the same and consequently direct the 1st respondent to reinstate the petitioner in service.

For Petitioner : Mr.K.P.Narayana Kumar for Ms.D.Saranya
For Respondents : Mr.R.Ragavendran
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/Grievance Petition, dated 04.05.2022.

3.The petitioner herein, had given a representation/Grievance Petition to the respondent on 04.05.2022 seeking for reinstatement of the petitioner into



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service. Since the said representation/Grievance Petition was not considered, the present writ petition has been filed.

4.The Government in a recent order in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, has stipulated certain guidelines for review of prolonged suspension, wherein, time limits have been framed for conclusion of the criminal proceedings as well as the departmental proceedings including the suspension.

5.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.



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6. In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the respondents, though he has made a representation/Grievance Petition dated 04.05.2022 and on receipt of such representation the second respondent herein to consider the same in the light of the G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 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.

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

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Index : Yes / No
Speaking Order/ Non Speaking Order

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M.S.RAMESH,J.

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