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W.P.No.6901 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2023

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THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.No.6901 of 2020

MA.Ranjith

.. Petitioner

Vs.

The Director General of Police
Tamil Nadu State Government
Kamarajar Salai
Chennai 600 004

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondent to permit the petitioner to consider the representation dated 14.12.2019 and direct the respondent to release the salary and benefits which has to be paid to the petitioner.

For Petitioner : Mr.M.Madhuprakash

For Respondent : Mr.M.Kumaresan
Additional Advocate General VII
Assisted by Mrs.P.Vijaya Devi
Government Advocate

ORDER

This writ petition has been filed seeking to issue a writ of mandamus to direct the respondent to consider the representation dated 14.12.2019



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submitted by the petitioner and for a consequential direction to the respondent to release the salary and benefits, which has to be paid to the petitioner in the interest of justice.

2. The case of the petitioner is that he is the Inspector of Police working in Dharmapuri District. He contends that he has been discharging his duties with great honesty and due to his honest only, he had been transferred very often and he further submitted that he had been transferred nearly 39 times in his 20 years of service. He further contends that due to some high official issue, he had been transferred now and then and due to some higher official pressure and misadministration, his salary is kept hold for a long time. He also contends that he had submitted many representation to the administrative department about his pending salary, but no steps are taken till now. It is further stated by the petitioner that for four months *i.e.*, from August to September 2019 salaries are also not paid. As he is totally depending on his salary, he is unable to manage his regular life and family. He also submits that his wife is suffering from cancer and he has to take care of her medical expenses and also his two children education and maintenance. In such circumstances, the petitioner is constrained to file this writ petition.



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3. Actually, on 18.03.2020, notice was ordered to the respondent and private notice was also permitted. Thereafter, this case was not listed till date and no counter affidavit has been filed on behalf of the respondent. On 21.06.2023, this Court directed the learned Government Advocate appearing for the respondent to get instructions with regard to the status of the representation dated 14.12.2019 submitted by the petitioner.

4. The learned Additional Advocate General representing the respondent placed a status report before this Court. On a careful perusal of the said status report, it is clear that the representation dated 14.12.2019 is not disposed of by the respondent, till today. Though some reasons are mentioned in the status report, in my considered view, those reasons are invented to file the status report before this Court.

5. When an Inspector of Police cadre officer submits a representation to the Director General of Police, who is the head of the Police Department to the State, if the said representation did not see the light of the day and no action is initiated, it itself proves how the petitioner is being harassed. If the respondent requires any further information from the petitioner to consider his representation and to pass appropriate orders, it is for the respondent to intimate



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the same to the petitioner. Admittedly, such intimation is not issued to the petitioner by the respondent.

6. This is one of the classic cases of lethargic attitude of the bureaucrats in our country. Every employee, who discharges his duties honestly, he would expect payment of his salary regularly from the employer, without any unreasonable delay. The employee has to survive himself and he has to feed his family and also to take care of all necessities of his family members, from the salary, he is getting. In the present case, as the petitioner contends that his wife is suffering from cancer, definitely, he has to meet her medical expenses. Due to non-payment of salary and non-consideration of his representation for four years *i.e.*, from the year 2019, all the members of the family of the petitioner had suffered mentally and financially. Thereby, they are forced to suffer irreparable loss and hardships.

7. For the above stated reasons, in my considered opinion, the action of the respondent is not only illegal, unjust and arbitrary and it is violation of right to life guaranteed under Article 21 of the Constitution of India.



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8. As such, this Court has no hesitation to hold that the respondent has failed to discharge his duty to consider and pass appropriate orders on the representation submitted by the petitioner on 14.12.2019, which is illegal, unjust, arbitrary, irrational and violation of Article 21 of the Constitution of India.

9. Accordingly, this writ petition is allowed with a direction to the respondent to examine the representation dated 14.12.2019 submitted by the petitioner and take appropriate action within a period of one week from today. No costs.

10. The learned Additional Advocate General appearing on behalf of the respondent shall inform this order forthwith to the respondent.

26.06.2023

Internet : Yes

Neutral Citation : Yes/No

gya

Issue order copy by 27.6.23

To

The Director General of Police

Tamil Nadu State Government

Kamarajar Salai, Chennai 600 004



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BATTU DEVANAND, J.

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