



W.P.No.18125 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18125 of 2023

P.Sagadevan

... Petitioner

Vs.

1.The State of Tamil Nadu rep.by
its Secretary, Home Department,
Secretariat, Chennai-9.

2.The Commissioner of Police,
Office of the Commissioner of
Police, Greater Chennai Police,
Vepery, Chennai-7.

3.The Joint Commissioner of Police
(Traffic - South), Office of the
Joint Commissioner of Police,
Greater Chennai Police,
East Zone, Chennai-8.

4.The Deputy Commissioner of Police,
Greater Chennai Police,
Triplicane District, Chennai.

5.The Assistant Commissioner of Police,
Greater Chennai Police,
Egmore Range, Chennai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 24.02.2023 to disburse the back wages and other attendant benefits for the period of dismissal from service from 01.11.2018 to 31.05.2022 along with belated interest within stipulated period.

For Petitioner : Mr.B.Francis Xavier

For Respondents : Mr.S.Rajesh,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner seeks a direction to the second respondent to consider his representation dated 24.02.2023 to disburse the back wages and other attendant benefits for the period of dismissal from service from 01.11.2018 to 31.05.2022 along with belated interest. Since the said representation has not yet been considered, the Writ Petition has been filed.



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3. It appears from the typed set of papers that the petitioner had given the said representation dated 24.02.2023 only to the Director General of Police, Mylapore, Chennai-4 and not to any of the respondents herein.

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 him 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 him to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the Director General of Police, Mylapore, Chennai-4 to consider the petitioner's representation dated 24.02.2023 on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this



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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 Director General of Police, Mylapore, Chennai-4 to consider the same on its own merits.

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

21.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

- 1.The Secretary to Government of Tamil Nadu, Home Department, Secretariat, Chennai-9.
- 2.The Commissioner of Police, Office of the Commissioner of Police, Greater Chennai Police, Vepery, Chennai-7.
- 3.The Joint Commissioner of Police (Traffic - South), Office of the Joint Commissioner of Police, Greater Chennai Police, East Zone, Chennai-8.
- 4.The Deputy Commissioner of Police, Greater Chennai Police, Triplicane District, Chennai.
- 5.The Assistant Commissioner of Police, Greater Chennai Police, Egmore Range, Chennai.

Copy to

The Director General of Police, Mylapore, Chennai-4.

RS/HVK



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M.S.RAMESH,J.

RS/HVK

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