



WEB COPY



W.P.No.18159 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.18159 of 2023

K.Arunachalam

...Petitioner

Vs

1.The Secretary to the Government,
Home (Police 9) Department,
Fort St.George, Chennai – 600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and pass orders on the representation of the petitioner dated 06.03.2023, within a limited time frame as deem fit by this Court, for grant of promotion to him as Assistant Commandant at par with his junior Tr.C.Pitchandi and to promote him notionally as Assistant Commandant with all consequential service and monetary benefits including pay fixation and grant such further relief.

For Petitioner : Mr.K.Venkataramani, Sr. Counsel



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for Mr.M.Muthappan

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader

ORDER

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

2. The petitioner herein had given a representation to the respondents on 06.03.2023, seeking for promotion as Assistant Commandant, as well as for fixation of pay on par with his junior, together with all consequential benefits. The said representation has not been considered till date and hence, the petitioner has preferred the present Writ Petition.

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 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



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amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the 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 second respondent herein to consider the petitioner's representation dated 06.03.2023 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 Court has not expressed any of its views with regard to the merits of the claim made by 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.

21.06.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

Note: Issue order copy on 03.07.2023



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M.S.RAMESH,J.

hvk

To

- 1.The Secretary to the Government,
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