



W.P.No.5550 of 2016
and
W.M.P.Nos.4884 and 4885 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5550 of 2016
and
W.M.P.Nos.4884 and 4885 of 2016

K.Raman
Grade II Warder,
Central Prison I (Convict),
Puzhal,
Chennai-66.

.. Petitioner

/versus/

1.The Additional Director General of Police/
Inspector General of Prisons,
No.1, Gandhi Irwin Road,
CMDA Tower II,
Egmore, Chennai.

2.The Superintendent,
Central Prison-I (Convict),
Puzhal, Chennai 66.

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in his proceedings order No.4342/EW3/2005, dated 28.06.2006 in respect of the panel for promotion to the post of



W.P.No.5550 of 2016
and
W.M.P.Nos.4884 and 4885 of 2016

WEB COPY

Grade I Warder, quash the same and direct the respondents to promote the petitioner as Grade I Warder with all consequential benefits on par with his junior Thiru.V.Saminathan with reference to rules.

For Petitioner : M/s Selvi George

For Respondents : Mr.C.Meera Arumugam
Additional Government Pleader

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ORDER

The petitioner herein had given representations dated 02.04.2012 and 07.08.2013 to promote him to the post of Grade I Warder on par with his junior Thiru.V.Saminathan and grant him all consequential benefits. Since the said representations were not considered, again, the petitioner had given another representation dated 07.09.2015. Even thereafter the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever 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



W.P.No.5550 of 2016
and
W.M.P.Nos.4884 and 4885 of 2016

WEB CO 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.

3. Since the representations given by the petitioner dates back to the year 2012, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the 1st respondent herein, ventilating his grievances. On receipt of the same, the 1st respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its



W.P.No.5550 of 2016
and
W.M.P.Nos.4884 and 4885 of 2016

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, this Writ Petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

09.01.2023

Speaking/Non-speaking
Index:Yes/No
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To:

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W.P.No.5550 of 2016
and
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M.S.RAMESH,J.

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W.P.No.5550 of 2016
and
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