



W.P.No.29638 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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P.Aruchamy

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Police IV) Department,
Secretariat, Chennai – 600 009.
- 2.The Director General of Police,
Mylapore, Chennai – 600 004.
- 3.The Superintendent of Police,
Thiruppur, Thiruppur District.
- 4.The Superintendent of Police,
Erode, Erode District.
- 5.The Superintendent of Police,
Nilgiris, Nilgiris District.
- 6.S.Murugesan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to



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5 to fix the pay of the petitioner in the post of Inspector of Police on par with the petitioner's junior Mr.S.Murugesan/6th respondent with all consequential benefits including the revised pensionary benefits.

For Petitioner : Mr.K.Arumugam
For R1 to R5 : Mr.M.Bindran,
Additional Government Pleader

ORDER

The prayer sought for in this Writ Petition is for a direction to the respondents 1 to 5 to fix the pay of the petitioner in the post of Inspector on par with his junior one Murugesan, who is the 6th respondent herein, together with all consequential benefits including the revised pensionary benefits. In this regard, the petitioner had given a representation to the 5th respondent on 01.10.2021. The said representation has not been considered till date.

2. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast on them 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 India and direct him to consider the same within a stipulated time.

3. The 5th respondent herein had filed a counter affidavit, wherein it is stated that the petitioner is found to be entitled for pay on par with Murugesan and accordingly, a recommendation has been made on 23.02.2023 to the Director General of Police for passing of appropriate orders and the same is awaited.

4. In the light of the above observations, there shall be a direction to the respondents 2 to 5 herein to consider the petitioner's representation dated 01.10.2021, in the light of the recommendation dated 23.02.2023 made to the Director General of Police, and pass appropriate orders in accordance with law, within a period of eight (8) 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 respondents to consider the same on its own merits.



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M.S.RAMESH,J.

hvk

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

hvk

To

- 1.The Secretary to Government,
Home (Police IV) Department,
Secretariat, Chennai – 600 009.
- 2.The Director General of Police,
Mylapore, Chennai – 600 004.
- 3.The Superintendent of Police,
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- 4.The Superintendent of Police,
Erode, Erode District.
- 5.The Superintendent of Police,
Nilgiris, Nilgiris District.

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