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W.P.No.29052 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29052 of 2023

P. Sundaramoorthy

... Petitioner

Vs.

1.The Secretary to the Government,
Home (Police 4) Department,
Fort St. George, Chennai – 9.

2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 9.

3.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.

4.The Accountant General (A&E),
Teynampet, Chennai – 18.

5.The District Collector,
Kancheepuram District,
Kancheepuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the representation made by the petitioner



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dated 27.03.2023, for grant two increments based on the FR 22 (b) fundamental rule and to give effect to the pay revision ordered by the Additional Superintendent of Police, Tiruvannamalai dated 28.10.2021, based on the government order issued in G.O.Ms.No.13 Home (Police) V Department dated 6.1.2010 wherein the petitioner upgradation was advanced in the post of Grade I Police Constable as well as Head Constable and consequently, to revise the scale of pay drawn by the petitioner and fix his pension on the basis of the revised pay of scale of Rs.60,900/-, draw, disburse arrears of salary and pension, within reasonable time.

For Petitioner : Mr.R. Venkataraman,
Senior Counsel
for Mr.M. Muthappan

For Respondents : Mr.V. Manoharan, [R1 to R3 & R5]
Additional Government Pleader

Mrs.Hema Murali Krishnan,
Standing Counsel [R4]

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 herein has given a representation to the respondents on 27.03.2023, seeking for grant of increments and to give



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effect to the pay revision ordered by the Additional Superintendent of Police, Tiruvannamalai dated 28.10.2021, based on the government order issued in G.O.Ms.No.13 Home (Police) V Department dated 06.01.2010 and consequently, to revise his scale of pay and fix his pension on the basis of the revised pay of scale of Rs.60,900/-. Since the representation of the petitioner has not been considered till date, the present Writ Petition has been filed.

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 the respondents to consider the same on their 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 them to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the respondents, to consider the petitioner's representation dated 27.03.2023, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 of 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.

06.10.2023

Speaking order/Non-speaking order

Index:Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH,J.

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