



WEB COPY



W.P.No.32682 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32682 of 2023

S. Balaji

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Home Secretary,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director General of Police,
Mylapore, Chennai – 600 004.

3.The Commissioner of Police,
Veppery, Chennai – 600 007.

4.The Deputy Commissioner of Police,
High Court Campus,
Chennai – 600 104.

... 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 the petitioner's representation dated 03.09.2023 and thereby direct the respondents to give notional promotion to the petitioner as Inspector of Police with all back wages and other service and monetary benefits entitled by the petitioner.



W.P.No.32682 of 2023

For Petitioner : Mr.B. Gopalakrishnan

For Respondents : Mr.V.P.R. Elamparithi,
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 has given representation to the first respondent on 03.09.2023, seeking for notional promotion to the post of Inspector of Police with all back wages and other service and monetary benefits entitled to him. Since the said representation has not been considered till date, the present Writ Petition has been filed.

3. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon 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 amount to dereliction of duty and hence, this Court will be justified in



W.P.No.32682 of 2023

invoking its extraordinary powers under Article 226 of Constitution of 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 respondents herein, to consider the petitioner's representation dated 03.09.2023, on their own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.

20.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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W.P.No.32682 of 2023

M.S.RAMESH,J.

Sni

To

- 1.The Home Secretary to Government of Tamil Nadu,
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Chennai – 600 009.
- 2.The Director General of Police,
Mylapore,
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