



W.P.(MD).No.16332 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16332 of 2023

C.Vijaya Kumar

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.

2.The Superintendent of Police,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to award selection grade to the petitioner in the post of Sub-Inspector of Police (from February 2011 to March 2021, ten years service) based on the representation, dated 01.03.2023 within the time frame stipulated by this Court.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.P.Thambidurai
Government Advocate



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ORDER

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The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to award a selection grade to the petitioner in the post of Sub-Inspector of Police (from February 2011 to March 2021, ten years of service) based on the representation, dated 01.03.2023 within the time frame stipulated by this Court.

2.Heard Mr.V.P.Rajan, learned counsel appearing for the petitioner and Mr.P.Thambi Durai, learned Government Advocate appearing for the respondents and perused the materials available on record.

3.The petitioner submitted an application for Grade II Constable and in the recruitment process, the competent authority issued an appointment order on 30.06.2003 and directed the petitioner to report duty on 20.07.2003 before the Temporary Police Recruitment School, Armed Reserve, Pudhupet, Egmore, Chennai. While the petitioner was working as Grade II Constable, he participated in the selection process for the post of Sub-Inspector of Police at Taluk level and he was selected and appointed by the first respondent. Since the



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petitioner completed 10 years of service in the post of Sub-Inspector of Police, he is entitled to selection grade. Hence, the petitioner submitted a representation to the respondents for awarding selection grade to the petitioner. In the meanwhile, the first respondent issued a charge-memo, dated 09.07.2021 framing charges under Rule 3(b) of the Tamil Nadu Police Subordinate (Discipline and Appeal) Rules, 1955 and the disciplinary proceeding is pending against the petitioner. Hence, the petitioner preferred another representation, dated 01.03.2023 to the second respondent for awarding selection grade. Since the same has not been considered, the present Writ Petition came to be filed.

4.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 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 invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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5.Considering the facts and circumstances of the case, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the respondents to consider the representation of the petitioner, dated 01.03.2023, to award selection grade to the petitioner in the post of Sub-Inspector of Police (from February, 2011 to March, 2021, ten years of service), and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

20.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
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To

- 1.The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.
- 2.The Superintendent of Police,
Thanjavur.



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L.VICTORIA GOWRI, J.

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