



W.P.(MD).No.2090 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2090 of 2024

P.Kalaiselvam

... Petitioner

Vs.

The Superintendent of Police,
Pudukottai District,
District Police Office,
Pudukottai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider and pass order on the petitioner's representation, dated 04.12.2023 submitted for modification of punishment of dismissal from service in view of order passed in writ petition in W.P.(MD).No.18385 of 2016, dated 23.12.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimuthurasu

For Respondent : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking direction to the respondent to consider and pass order on the petitioner's representation, dated 04.12.2023 submitted for modification of punishment of dismissal from service in view of order passed in writ petition in W.P.(MD).No.18385 of 2016, dated 23.12.2021 within the time limit that may be stipulated by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was inducted in the respondent department as Grade-I Police Constable on 09.06.1993. Lastly, he was working at Ramanathapuram Armed Reserve. While he was in service, in terms of G.O.Ms.No.1431, Home (Police-VII) Department, dated 08.06.1979 and G.O.Ms.No.82, Home Department, dated 20.01.1981, the petitioner and his colleagues were in the process of forming an association to them. Pursuant to the same, they made an application to the Director of Police and the Chief Minister to permit the said association. For which, a charge memo was issued against him and he was



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suspended from service. The co-delinquents who faced the similar charges, namely Sivasubramanian and Ravikumar have filed W.P(MD)Nos.1417 of 2006 and 18385 of 2016. This Court was pleased to set aside their punishment vide orders, dated 17.10.2007 and 23.12.2021 respectively. Following which, they were reinstated. Hence, the petitioner made a representation to the respondents on 04.12.2023 to reinstate him in the line of the reinstatement of his co-delinquents. Since the same was not considered, this 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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of this case, this Court directs the respondents to consider the representation of the petitioner, dated 04.12.2023



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and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

02.02.2024

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

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To

The Superintendent of Police,
Pudukottai District,
District Police Office,
Pudukottai.



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L.VICTORIA GOWRI, J.

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