



WP.(MD).No.2199 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2199 of 2024

S.Thanabalan

... Petitioner

Vs.

1.The Director General of Police (Law and Order),
O/o. The Director General of Police ,
Dr.Radhakrishnan Road,
Mylapore,
Chennai.

2.The Commissioner of Police,
Madurai City,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to fix the seniority of the petitioner appointed in the year 1999 on par with his batch mates with attendant monetary and service benefits by considering his representations dated 29.11.2023.

For Petitioner	: Mr.Gandhi, Senior Counsel For Mr.R.Ramanujam
For Respondents	: Mr.S.Shaji Bino Special Government Pleader



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus seeking to direct the respondents to fix the seniority of the petitioner appointed in the year 1999 on par with his batch mates with attendant monetary and service benefits by considering his representations dated 29.11.2023.

2. Heard Mr. Gandhi, learned Senior counsel appearing for the petitioner, Mr. S. Shaji Bino, learned Special Government Pleader appearing for the respondents and perused the entire materials available on record.

3. The petitioner was serving as a Head Constable in City AR, Madurai City. At the first instance, in the year 1997-1998, the petitioner participated in the recruitment process conducted for the post of Grade II Police Constable by the Tamil Nadu Uniformed Services Recruitment Board (TNUSRB). The petitioner appeared in the said selection process and his candidature was rejected by the Board alleging that he has defective eye vision. Following which, on 18.01.2001, he made a representation to the first respondent to



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conduct second medical examination. After receiving his representation, a Medical Board was constituted and on 11.03.2002, he received a summon from the second respondent directing him to appear in the Medical Board on 14.03.2002 and he appeared before the Medical Board and declared fit. On 10.12.2002, the first respondent issued a communication informing that he will be appointed as Grade II Police Constable. Thereafter, after one year, on 14.11.2003, he received an official appointment letter from the Police Department. On 30.11.2003, his training was commenced along with 2001-2002 and 2002-2003 batches. After completion of training, he was posted as Grade II Police Constable and he was further promoted as Grade I Police Constable on 01.12.2013. On 01.12.2018, he was further promoted as Head Constable. From the year 2004 onwards, he had given several representations to his higher officials to fix his seniority on par with his batch mates. However, the same was not considered. Lastly on 29.11.2023, he made a representation to the respondents 1 and 2 to fix his seniority on par with his batch mates and the same was not considered. Hence, the Writ Petition came to be filed.



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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.In view of the same, without going into the merits, this Court hereby directs the respondents to consider the representation of the petitioner dated 29.11.2023 and in light of the order passed by this Court in W.P.(MD)No.18193 of 2023 dated 08.09.2023 and to pass appropriate order in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.



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6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

02.02.2024

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

To

1. The Director General of Police (Law and Order),
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Mylapore,
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2. The Commissioner of Police,
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L.VICTORIA GOWRI, J.

Mrn

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