



W.P.(MD).No.2724 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2724 of 2024

M.Palanivel

... Petitioner

Vs.

1.The Director General of Police,
Mylapore, Chennai.

2.The Superintendent of Police,
Sivaganga District.

3.The Superintendent of Police,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Grade-I Police Constable by fixing the seniority of the petitioner with his batch mates for the year 2010-2011 with all consequential service benefits.



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For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to promote the petitioner as Grade-I Police Constable by fixing the seniority of the petitioner with his batch mates for the year 2010-2011 with all consequential service benefits.

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

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner joined in the National Army as Sepoy on 27.08.1992 and retired from Service as Nayak on 01.09.2009. He registered his name in the Employment Exchange for appointment under the quota reserved for Ex-



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servicemen in various posts in the State of Tamil Nadu. The TNUSRB issued an advertisement inviting applications for the post of Grade II Police Constables on 10.05.2010 in Advertisement No.210/2010. Pursuant to the same, the petitioner applied for the said post and attended written examination on 08.08.2010 and the results were also published. However, the petitioner's name was not included in the final selection list. Hence, the petitioner filed writ petition in W.P.(MD)No.359 of 2011 before this Court and this Court was pleased to allow on 11.04.2011. Based on the order of this Court the 1st respondent issued a provisional appointment order vide proceedings dated 24.02.2012. Following which, the 3rd respondent also issued appointment letter on Nil-02.2013.

(ii) Thereafter, the petitioner was posted in Ramand District and he was continuously working at Sivangangai district for the past several years. The subject notification for filling up the vacancies was issued on 10.05.2010, the same batch mates were appointed on 01.02.2011 itself. However, the respondents had issued the appointment order after the delay of two years and the mistake was committed by the respondents not to the petitioner. As per the



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service rules, once the petitioner completed 15 years of service, he is eligible to get promotion as Head Constable. Actually, he is entitled to get promotion as Grade-I Police Constable in the year of 2021. However, the respondents have given promotion as Grade-I Police Constable only in the year 2023, that is, 18.02.2023. The Government issued G.O.Ms.No.1681, Home Department dated 12.10.1992 upgrading 21,000 Grade-II Police Constables as Grade I Police Constables in a phased manner from 1992-1993 to 1995-1996 as stated in the said G.O. Thereafter, those Grade-I Constables were further upgraded as Head Constables on completion of ten years as Head Constable. Hence, the petitioner made a representation to the respondents through Proper Channel on 08.11.2023 seeking to fix his seniority with his batchmates in the year 2010-2011 with all consequential service benefits. Since the same was not considered by the respondents, the present writ petition came to be filed.



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4. Heard, the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials available on record.

5. 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.

6. It is made clear that without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner dated 08.11.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Writ Petition stands allowed. No costs.

08.02.2024

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

To

- 1.The Regional Director,
Municipal Administration,
Tirunelveli.
- 2.The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai.



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L.VICTORIA GOWRI, J.

Sml

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