



W.P.(MD).No.2732 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2732 of 2024

V.Karthikeyan

... Petitioner

Vs.

The Secretary to Government,
Home Department,
Secretariat,
Chennai-600 009.

... 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 the petitioner's representation dated 06.12.2023 regarding inclusion of his name in the approved list of Deputy Superintendent of Police of the year 2009-2010 on par with his junior Thiru.D.Arasu as already stated by the Director General of Police in his Memo No.Rc.No.52333 / GB 2(2) / 2016 dated 13.04.2016 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondent : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking direction to the the respondent to consider the petitioner's representation dated 06.12.2023 regarding inclusion of his name in the approved list of Deputy Superintendent of Police of the year 2009-2010 on par with his junior Thiru.D.Arasu as already stated by the Director General of Police in his Memo No.Rc.No.52333 / GB 2(2) / 2016 dated 13.04.2016.

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 was lastly serving as Deputy Superintendent of Police (Railways), Madurai and the date of superannuation was on 31.03.2016. He was not allowed to retire and was placed under suspension as per G.O. (2D) No.201 Home (Police 2) Department dated 31.03.2016, since enquiry into



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grave allegation was contemplated as against the petitioner. Thereafter, vide G.O. (2D) No.280, Home Department dated 05.11.2020, the Government ordered dropping the disciplinary action against the petitioner and three others. The petitioner is also getting regular pension in the cadre of Deputy Superintendent of Police. However, the grievance of the petitioner is that his name ought to have been included in the approved list of Deputy Superintendent of Police of the year 2009-2010 on par with his junior one D.Arasu. However, the petitioner's name has been included in the approved list of Deputy Superintendent of Police only in the year 2012. In W.P.(MD).No. 22378 of 2015, this Court has passed an order dated 14.12.2015, directing the government to consider the petitioner's representation dated 25.06.2014 regarding inclusion of his name in the approved list of Deputy Superintendent of Police of the year 2009-2010 within a period of 8 weeks.

(ii) It was informed, vide proceedings, dated 13.04.2016 by the Director General of Police, that the petitioner's request would be considered after revocation of suspension and final order being passed by the competent authority. As on date all the proceedings are completed and the petitioner is



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allowed to retire peacefully. Therefore, the petitioner made a representations on 17.10.2023 and 06.12.2023 for taking action to include his name in the approved list of Deputy Superintendent of Police of the year 2009-2010 on par with his junior D.Arasu. Since the same was not considered by the respondent, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent. 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



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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 06.12.2023 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.

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

08.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

The Secretary to Government,
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Secretariat,
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L.VICTORIA GOWRI, J.

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