



W.P.(MD).No.3120 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.02.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.3120 of 2024**

T.N.Saroja

... Petitioner

Vs.

1.The Principal Secretary to Government,  
Home Department,  
St. George Fort, Secretariat,  
Chennai-9.

2.The State represented by  
The Director General of Police,  
Chennai-600 004.

3.The State represented by  
The Superintendent of Police,  
Virudhunagar 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 for re-fixation of the petitioner's husband S.Nallathambi, (Inspector of Police) salary as Sub-Inspector of Police from 01.07.1984 instead of 05.12.1988 and as



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Inspector of Police notionally from the date of officiation of petitioner's husband S.Nallathami, Inspector of Police immediate senior Thiru.A.Renganathan, Inspector of Police and immediate junior K.Antony Rajasekaran retired Inspector of Police or any other immediate juniors on the basis of the petitioner's representation dated 09.04.2019.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.M.Siddharthan,  
Additional Government Pleader

### **ORDER**

The present writ petition has been filed seeking direction to the respondents for re-fixation of the petitioner's husband S.Nallathambi, (Inspector of Police) salary as Sub-Inspector of Police from 01.07.1984 instead of 05.12.1988 and as Inspector of Police notionally from the date of officiation of petitioner's husband S.Nallathami, Inspector of Police immediate senior Thiru.A.Renganathan, Inspector of Police and immediate junior K.Antony Rajasekaran retired Inspector of Police or any other immediate juniors on the basis of the petitioner's representation dated 09.04.2019.



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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's husband S.Nallathambi was appointed as Direct Grade I Police Constable. Thereafter, he was promoted as Head Constable and further promoted as Sub-Inspector of Police. Lastly, he was promoted as Inspector of Police on 16.02.1996. He died on 20.05.2018. The Government already revised the seniority of 12 Inspectors of Police from 05.12.1998 to 01.07.1984 as a special case by relaxing the Rule 35 (aa) of TNPSS Rules. Therefore, the 2<sup>nd</sup> respondent had sent a letter to the 1<sup>st</sup> respondent dated 22.10.2012 requesting for the re-fixation of seniority of 38 Sub-Inspectors of Police selected under graduate quota from 05.12.1988 to 01.07.1984 as extended to the batch-mates of the petitioner's husband by the Government. On the basis of the said letter in G.O. (2D) No.518 dated 22.12.2016 came to be issued in favour of those Sub-Inspectors of Police (Taluk) for the purpose of refixing their seniority in the category of sub-Inspectors of Police with effect from 01.07.1984.



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(ii) The 2<sup>nd</sup> respondent vide proceedings, dated 07.09.2017 fixed the date of seniority for the Sub-Inspectors of Police with effect from 01.07.1984 and it is found that the petitioner's husband was also eligible for inclusion in the "C" list for the year 1995-1996. However, the name of the petitioner's husband was left out in the "C" list for the year 1995-1996. The petitioner's husband was also eligible for the re-fixation of pay as Sub-Inspector of Police with effect from 01.07.1984 instead of 05.12.1988 and as Inspector of Police notionally from the date of officiation as Inspector. One A. Renganathan was the immediate senior of the petitioner's husband S.Nallathambi and one K. Antony Rajasekaran was the immediate junior of the petitioner's husband. Hence, the petitioner approached the respondents 2 and 3 seeking re-fixation of the petitioner's husband salary and the same was not considered. Thereafter, she made a representation dated 09.04.2019. 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 Additional Government Pleader appearing for the respondents. Carefully 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 09.04.2019 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Writ Petition stands disposed of. No costs.

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

To

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**L.VICTORIA GOWRI, J.**

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