



W.P(MD)No.4273 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.4273 of 2024

M.Selvarani

... Petitioner

Vs.

**1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.**

**2.The Inspector General of Police,
Southern Zone,
Madurai.**

**3.The Superintendent of Police,
Dindigul 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 consider passing orders on a representation given by the petitioner on 09.02.2024 seeking to permit the petitioner to continue her service in her native place subject to the pendency of Disciplinary Proceedings under Rule 9 of the Tamilnadu Pension rules and within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.S.Vinodh

For Respondents : Mr.R.Radavendran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to consider passing orders on a representation given by the petitioner on 09.02.2024 seeking to permit the petitioner to continue her service in her native place subject to the pendency of Disciplinary Proceedings under Rule 9 of the Tamilnadu Pension rules and 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 appointed as a Police Constable in the Tamil Nadu Police service in the year 1997. On 03.05.2020, she was transferred for the 2nd time from Palanichettipatti Police Station to Allinagaram Police Station. For absents from duty, the 2nd respondent initiated disciplinary proceedings against her and she was visited with show cause notice on 17.03.2020.



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Considering her explanation, the 2nd respondent had passed an order by imposing punishment of “deferred black mark for three months”. Thereafter, she was transferred for the 3rd time from Allinagaram Police Station on 14.05.2020. Normally, women constable would not be posted in striking force. However, a charge memo was also issued on her vide proceedings, dated 04.06.2020 seeking her explanation for non-availability in the working place. For which, she submitted a detailed explanation on 01.05.2020. However, she was transferred to Ramanathapuram District in 2021. She had already requested for transfer to Theni twice in 2022 and 2023 and the same were not considered. Hence, 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.



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5. Without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 09.02.2024 and pass 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.

23.02.2024

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

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.
- 2.The Inspector General of Police,
Southern Zone,
Madurai.
- 3.The Superintendent of Police,
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L.VICTORIA GOWRI, J.

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