



W.P.(MD).No.4564 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4564 of 2024

R.Rajkumar

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep., by its Principal Secretary to Government,
Home Department,
Secretariat,
Chennai

2.The Director General of Police,
Mylapore, Chennai – 4.

3.The Superintendent of Police,
Ramanathapuram,
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 1st respondent to consider the petitioner's representations dated 21.08.2022 and 05.02.2024 for the revocation of punishment order of postponement of increment for a period of three years which shall not operate to postpone future increments issued by the 3rd respondent in his proceedings dated 20.04.2020 within the period that may be stipulated by this Court.



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For Petitioner : Mr.C.Venkatesh Kumar
for M/s. Ajmal Associates

For Respondents : Mr.C.Baskaran
Government Advocate

ORDER

Mr.C.Baskaran, learned Government Advocate takes notice for the respondents.

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

3. The petitioner is the Head Constable at Tirunagar Police Station, Madurai. While he was working as the Head constable at Muthukulathur Police Station, Ramnathapuram District, he was visited with a charge memo dated 20.09.2019 by the 3rd respondent and after conducting enquiry, the punishment of postponement of increment for a period of three years which shall not operate to postpone his future increments came to be passed by the proceedings of the 3rd respondent dated 20.04.2020. Without preferring an appeal against the said order of punishment, the petitioner preferred a representation to the 2nd



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respondent to cancel the order of punishment treating the same as mercy petition. The petitioner's representation was rejected by the proceedings dated 01.06.2021. As against the same, the petitioner had preferred an appeal seeking appropriate remedy before the 1st respondent Government on 21.08.2022 and sent a reminder on 05.02.2024. The same were not considered by the 1st respondent. Hence, the present Writ Petition has been filed.

4. It is needless to point out that whenever an appeal 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 appeal 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. It is made clear that without going into the merits of this case, this Court hereby direct the respondent No.1 to consider the appeal of the petitioner dated 21.08.2022 and pass appropriate orders in accordance with law within a



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period of twelve (12) weeks from the date of receipt of a copy of this order.

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

27.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

CM

To

1.The State of Tamil Nadu
Rep., by its Principal Secretary to Government,
Home Department,
Secretariat,
Chennai

2.The Director General of Police,
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3.The Superintendent of Police,
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L.VICTORIA GOWRI, J.

CM

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