



W.P.(MD).No.7776 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7776 of 2024

S.Samayan

... Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-600 004.

2.The Inspector General of Police,
South Zone, Madurai.

3.The Deputy Commissioner of
Police (L&O),
Madurai City, Madurai.

... 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 grant the petitioner notional reinstatement and all the service benefits accrued for him from the date of appointment on July, 1976 based on his representation dated 09.02.2024 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.D.Packiaraj

For Respondents : Mr.R.Ravavendran,
Government Advocate

ORDER

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

2. The present writ petition has been filed seeking direction to the respondents to grant the petitioner notional reinstatement and all the service benefits accrued by him from the date of appointment on July, 1976 based on his representation dated 09.02.2024.

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

(i) The petitioner was provisionally selected to the post of Police Constable Grade-I in the year 1976. He rendered 17 years of service in the said post. While so, on 13.01.1993, a criminal case was registered against the petitioner in Crime No.37 of 1993 on the file of the Sub Inspector of Police, J2-



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Mathichiyam Police Station which culminated in filing of the final report in S.T.C.No.176 of 1994 on the file of the learned Judicial Magistrate No.II, Madurai. After an elaborate trial, the petitioner was acquitted on 05.06.1997. In the meanwhile, during the pendency of the said criminal case, the petitioner was terminated from service. After acquittal, the petitioner approached the respondents by sending representation dated 21.08.1993 to reinstate him into service.

(ii) Since the same was not considered by the respondents, the petitioner filed a writ petition in W.P.(MD)No.3878 of 2004 before this Court and this Court, by an order dated 08.12.2004 was pleased to direct the respondents to consider the petitioner's representation dated 21.08.1993. Even after the said order, the respondents did not consider the petitioner's representation in this regard. Hence, the petitioner made a detailed representation on 09.02.2024 and 14.02.2024. Since the same was also not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.



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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. Without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's representation dated 09.02.2024 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 disposed of. No costs.

28.03.2024

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



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L.VICTORIA GOWRI, J.

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