



W.P.(MD)No.9038 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9038 of 2024

R.Perumal

... Petitioner

Vs.

1.The Additional Chief Secretary to Government
Home (Police-5) Department
Secretariat, Chennai-9

2.The Director General of Police
Tamil Nadu, Dr.Radhakrishnan Salai
Mylapore, Chennai-4

3.The Superintendent of Police
District Police Office, Nagapattinam
Nagapattinam District

4.The Commandant
TSP, 1st Battalion
Trichy-12

5.The Secretary
Tamilnadu Public Service Commission
Chennai-2

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Mandamus, directing the 1st respondent to pass final orders



W.P.(MD)No.9038 of 2024

in the disciplinary proceedings initiated against the petitioner within a period to be determined by this Court and issue a consequential direction to the respondents to pay all the promotional benefits, retirement, terminal, pensionary and other consequential and other monetary benefits with interest for the belated payment in the light of the petitioner's representation dated 03.02.2024 and 06.02.2024 within a stipulated period.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the 1st respondent on 03.02.2024 to to pass final orders in the disciplinary proceedings initiated against the petitioner within a period to be determined by this Court and issue a consequential direction to the respondents to pay all the promotional benefits, retirement, terminal, pensionary and other consequential and other monetary benefits with interest for the belated payment. Since the said representation was



W.P.(MD)No.9038 of 2024

not considered, the present writ petition has been filed.

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3. 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 respondents 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 by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given a direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the 1st respondent herein to consider the petitioner's representation dated 03.02.2024 on its own merits and pass appropriate orders in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the concerned 1st respondent to consider the same



W.P.(MD)No.9038 of 2024

on its own merits.

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5. With the above direction, the Writ Petition stands disposed of. No costs.

10.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
kpr

To

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Secretariat, Chennai-9
- 2.The Director General of Police
Tamil Nadu, Dr.Radhakrishnan Salai
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W.P.(MD)No.9038 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.9038 of 2024

10.04.2024