



WP(MD). No.13165 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20/06/2024

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The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13165 of 2024

I. Rajendran

... Petitioner

Vs

1. The Director General of Police,
/prisons and Correctional Service,
Egmore, Chennai -8..

2. The Deputy Inspector General of Prisons,,
Madurai..

3. The Superintendent of Prisons,
Madurai..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus to direct the Respondent No. 1 to consider the representation of the petitioner dated 05.02.2021 and 23.04.2024 presented for declaration of probation in the post of Jailor.

For Petitioner : Mr.T.S.Mohamed Mohideen,
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

By consent, the writ petition itself is taken for final disposal.

2. Heard Mr.T.S.Mohammed Mohideen, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

3. The petitioner submitted that he was appointed as Grade II Warder in the year 1986 and subsequently promoted to various posts and now he is serving as Jailor and while so, he was served with a charge memo and he was placed under suspension and subsequently the same was revoked. When the seniority list published by the 1st respondent, he was found place in S.No.8. Since the petitioner's charge memo has been stayed by this Court, the respondents have no hesitation to declare the petitioner's probation. Therefore, the petitioner has given a representation in this regard. Since, the same has not been considered so far, the petitioner is before this Court with this writ petition.



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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 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 with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the 1st respondent herein to consider the petitioner's representation dated 23.04.2024 on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear



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that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the 1st respondent to consider the same on its own merits.

6. With the above direction, this writ petition is **disposed of**. No costs.

20.06.2024

RR

TO

1. The Director General of Police,
/prisons and Correctional Service,
Egmore, Chennai -8..
2. The Deputy Inspector General of Prisons,,
Madurai..
3. The Superintendent of Prisons,
Madurai..



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R.N.MANJULA,J

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**ORDER
IN
WP(MD) No.13165 of 2024**

Date : 20/06/2024