



WP.(MD).No.30924 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.30924 of 2023

V.Chandra Sekaran

... Petitioner

Vs.

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

2.S.Santhanaraman,
Superintendent,
O/. the Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur,
Thanjavur District.

3.D.Rajansingh,
Administrative Officer,
O/o. The Inspector General of Police,
Economics Offences Wing,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to refix the name of the petitioner in the inter-se-seniority in the 'C' list of Junior Assistant fit for promotion to the post of Assistant for the panel year 1992-1993 as well as further promotion of Office Superintendent in the appropriate place i.e.



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above to the respondents 2 and 3 and pay the consequential benefits arising thereon in the light of order passed by the Division Bench of this Hon'ble Court in W.A.(MD)No.883 of 2023 dated 23.06.2023 by confirming the order made in W.P.(MD)No.10638 of 2016 and by considering the petitioner's representation dated 22.09.2023.

For Petitioner	: Mr.C.Venkatesh Kumar For M/s.Ajmal Associates
For Respondents	: Mr.R.Ragavendran Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the first respondent to refix the name of the petitioner in the inter-se-seniority in the 'C' list of Junior Assistant fit for promotion to the post of Assistant for the panel year 1992-1993 as well as further promotion of Office Superintendent in the appropriate place i.e. above to the respondents 2 and 3 and pay the consequential benefits arising thereon in the light of order passed by the Division Bench of this Hon'ble Court in W.A.(MD)No.883 of 2023 dated 23.06.2023 by confirming the order made in W.P.(MD)No.10638 of 2016 and by considering the petitioner's representation dated 22.09.2023.

2.The brief facts which are necessary for the disposal of this



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Writ Petition is as follows:-

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The petitioner served as an Administrative Officer at the office of the Commandant, TSP VIII BN, New Delhi and retired on attaining the age of superannuation on 30.04.2020. While in service, he passed all the Departmental tests which are mandatory for the promotion to the post of Assistant during the year 1990 itself and was eligible to be included in the panel of Junior Assistant fit for the promotion of Assistant for the year 1991-1992. For which, crucial date fell on 15.03.1991. Subsequently, he was promoted as Assistant on 08.09.1997 and was further promoted as Superintendent on 14.04.2010 and thereafter, as Administrative Officer on 02.07.2019 and served for 33 years. The petitioner was appointed on compassionate ground on the basis of order passed by this Court in W.P.Nos.21654 of 2004, 3822 and 3823 of 2006. The inter-se-seniority among the compassionate ground appointees and TNPSC candidates of 1983 batch ought to be fixed according to their date of initial appointment. The petitioner's date of appointment was on 10.01.1987 whereas the second respondent's date of appointment was on 04.05.1987. Therefore, the petitioner's name ought to have been placed above in the seniority. However, his name was omitted in the said list and he sent a representation



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to the first respondent on 22.09.2023 requesting him to refix the seniority based on the order passed by this Court in W.P.No.21654 of 2004 dated 03.04.2006, by fixing the seniority of compassionate grounds appointees and TNPSC candidates of 1983 batch in terms of date of initial appointment. However the same was not considered. Hence, this Writ Petition came to be filed.

3.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and carefully perused the entire materials available on record.

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.In view of the same, without going into merits of the case, this Court hereby direct the first respondent to consider the representation of the petitioner dated 22.09.2023 and to pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

6.In view of the above, this Writ Petition stands disposed of. There shall be no order as to costs.

01.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Mrn

To

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Chennai – 4.

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O/. the Deputy Inspector General of Police,
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L.VICTORIA GOWRI, J.

Mrn

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