

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.33104 of 2016

I.Senthil Kumar

... Petitioner

Vs.

1. The Director,  
Fire and Rescue Services Department,  
Egmore, Chennai-8.

2. The District Officer,  
Fire and Rescue Services Department,  
Cuddalore District-607 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.03.2015.

For Petitioner : Mr.G.Mutharasu

For Respondents : Mr.S.Gunasekaran,  
Additional Government Pleader

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.03.2015.

2. The petitioner was initially appointed as Junior Assistant by the Tamil Nadu Public Service Commission and was posted as Junior Assistant on 05.02.1999 under Group IV service and thereafter was selected to the post of Fire Officer as per order dated 01.03.2001. While he was serving as Junior Assistant, a Charge Memo was issued on 14.09.1999 for the alleged misconduct committed by him and disciplinary proceeding was initiated under Rule 17(b) of the Tamil Nadu Civil Services Disciplinary Appeal Rules, due to which he was not relieved from duty as Junior Assistant to join as Station Fire Officer and to undergo training with effect from 31.05.2001. Hence, the petitioner filed O.A.No.3528 of 2001 before the Tamil Nadu Administrative Tribunal and after abolition of Tribunal, it was transferred to this Court and

renumbered as W.P.No.3502 of 2007 and subsequently it was dismissed as withdrawn as the petitioner was allowed to participate in the training. The petitioner's next avenue for promotion is Assistant District Officer and his name found place in the proceeding dated 17.06.2010 at Sl.No.25. However, in the revised order dated 30.06.2010, his name did not find place and therefore, petitioner made a representation to the respondents to revise the said order and it was not considered and in the meanwhile, the petitioner was also discharged from the departmental proceedings, which was also intimated to the respondents. Th petitioner also submitted several representations and his last representation was dated 02.03.2015 and since it was not considered, came forward with this writ petition.

3. Heard the submissions of learned counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Special Government Pleader appearing for the respondents and also perused the materials placed before it.

4. This Court, without going into the merits of the petitioner's representation, directs the petitioner to submit fresh representation along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order and the respondents, on receipt of the same, shall consider and dispose of the same on merits and pass orders in accordance with law within a period of six weeks thereafter.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jvm  
To

1. The Director,  
Fire and Rescue Services Department,  
Egmore, Chennai-8.

2. The District Officer,  
Fire and Rescue Services Department,  
Cuddalore District-607 001.

+1cc to Mr.G.Mutharasu, Advocate, S.R.No.53421

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PVS(CO)

CA(05/10/2016)