



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA
W.P(MD) Nos.17828 of 2016

WEB COPY

K.Periya Swamy

... Petitioner

-vs-

1.The Deputy Director,
Tamilnadu Fire and Rescue Service,
Southern Region,
Madurai - 625 020.

2.The Assistant District Fire Officer,
Tamilnadu Fire and Rescue Service,
Kanniyakumari Division,
Nagercoil - 1,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's appeal memorandum dated 11.07.2016 which was filed against the order of 2nd respondent in his proceedings Kaa.Ke.Ku.No.8/2015 dated 09.05.2016 within a time frame as fixed by this Court.

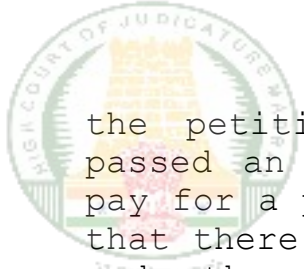
For Petitioner : Mr.K.Vamanan

For Respondents : Mr.V.Pandi
Government AdvocateO R D E R

This writ petition has been filed for the issuance of a writ of mandamus, directing the first respondent to dispose of the petitioner's appeal memorandum dated 11.07.2016 which was filed against the order of the second respondent dated 09.05.2016.

2.Heard Mr.K.Vamanan, learned counsel appearing for the petitioner and Mr.V.Pandi, learned Government Advocate, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner is working as a fire vehicle Driver in Nagercoil Fire Station. On 09.10.2015, while he was attending an emergency rescue call, he was forced to stop the vehicle on ~~the instruction of the~~ instruction from his superiors. He was a department witness in respect of the charges framed as against his superiors. However, the Department has chosen to issue show cause notice to



the petitioner and also subjected him to enquiry and finally passed an order imposing punishment of stoppage of increment of pay for a period of one year without cumulative effect. Contending that there was no mistake absolutely on the part of the petitioner and the proceedings initiated against the petitioner are unjustified, the petitioner has preferred an appeal before the first respondent on 11.07.2016. As the same has not been disposed of by the first respondent so far, this writ petition has been filed.

4.The learned counsel for the petitioner represented that the petitioner's promotion proposals are pending under consideration, because of pendency of the Appeal.

5.The learned Government Advocate submitted that the respondents would dispose of the Appeal preferred by the petitioner within the time frame to be fixed by this Court.

6.Under such circumstances, the respondents are directed to dispose of the appeal preferred by the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Director,
Tamilnadu Fire and Rescue Service,
Southern Region, Madurai - 625 020.

2.The Assistant District Fire Officer,
Tamilnadu Fire and Rescue Service,
Kanniyakumari Division, Nagercoil - 1,
Kanyakumari District.

+1cc to M/s.K.Vamanan, Advocate SR.No.54572
+1cc to Special Government Pleader SR.No.54170

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