



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

C O R A M

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THE HONOURABLE Dr.JUSTICE **S.VIMALA**

Writ Petition (MD) No.18774 of 2016

1.N.Palavesam
2.M.Karuppiah
3.M.Kartheeshwaran
4.S.Ganesan
5.M.Velmurugan .. Petitioners

Vs.

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

2.The Deputy Director,
Fire and Rescue Services Department,
Southern Region, Madurai.

3.The Deputy Director,
Fire and Rescue Services Department,
Central Region, Trichy.

4.The District Officer,
Fire and Rescue Services Department,
Tirunelveli District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the representations of the petitioner dated 31.07.2016; 28.07.2016; 28.07.2016; 29.07.2016 and 16.03.2015 respectively for grant of temporary promotion as Leading Fireman as per Rule 39(a)(1) of the Tamil Nadu State and Subordinate Service Rules and in the light of the order of the first respondent dated 09.10.2015.

For petitioner

... Mr.H.Arumugam

For Respondents

... Mr.S.Kumar

Additional Government Pleader



O R D E R

This is a Writ of Mandamus seeking direction to the first respondent to consider the petitioners' representations dated 31.07.2016; 28.07.2016; 28.07.2016; 29.07.2016 and 16.03.2015 respectively, in respect of grant of temporary promotion as Leading Fireman as per Rule 39(a)(1) of the Tamil Nadu State and Subordinate Service Rules and in the light of the order of the first respondent, dated 09.10.2015.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader for the respondents.

3. The petitioners were appointed as a Fireman on 09.09.1996. The next promotion to the post is Leading Fireman. The seniority of the petitioners in the post of Fireman is in Serial Nos. 6127, 6293, 6309, 6395 and 6263 respectively.

4. It is the case of the petitioners that invoking Rule 39(a)(1) of the Tamil Nadu State and Subordinate Service Rules, there was a direction by the Department of Fire and Rescue Services, to the officials concerned, to consider the grant of temporary promotion.

5. It is the grievance of the petitioners that though several juniors to them were given temporary promotion, the claim of the petitioners was not considered. It is pointed out that in consideration of urgency and administrative necessity, the temporary promotion can be considered, in the light of the Provisions of Rule 39(a)(1) of the Tamil Nadu State and Subordinate Service Rules. So stating the petitioners have submitted their representations.

6. The learned Additional Government Pleader would submit that the request of the petitioners were forwarded to the first respondent, wherein it has been specifically mentioned that each of the petitioner has given an undertaking that they are prepared to be considered for the post of temporary promotion, which can be subject to the result of the writ petition.

7. Under such circumstances, the first respondent is directed to consider the representations of each of the petitioner, in the light of the Rule 39(a)(1) of the Tamil Nadu State and Subordinate Service Rules and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.



8. The writ petition is disposed of accordingly. No costs.
30.09.2016

Sd/-
Assistant Registrar(CS-II)

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/True Copy/

Sub Assistant Registrar

To

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

2. The Deputy Director,
Fire and Rescue Services Department,
Southern Region, Madurai.

3. The Deputy Director,
Fire and Rescue Services Department,
Central Region, Trichy.

4. The District Officer,
Fire and Rescue Services Department,
Tirunelveli District.

+1 cc to MR.H.ARUMUGAM, Advocate Sr.No.57708

+1 cc to Special Government Pleader Sr.NO.57945

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SMA/CK/4.11.2016:3P/7C