



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.24677 of 2016

WEB COPY

K.Ramasamy

... Petitioner

vs.

1)The Director,
Tamilnadu Fire & Rescue Department,
Chennai-8.

2)The Deputy Director,
Tamilnadu Fire & Rescue Department,
South Zone, Near Periyar Bus Terminus,
Madurai-1.

3)The Divisional Fire Officer,
Tamilnadu Fire & Rescue Department,
Sivagangai, Sivagangai District.

...Respondents

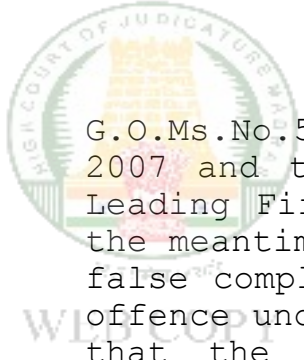
Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to promote the petitioner as Leading Fireman from 14.02.2001 onwards instead of June 2014 as Uplifted Leading Fireman with benefits according to law based on his representation dated 19.10.2016.

For Petitioner	: Mr.S.Muthalraj
For Respondents	: Mr.K.P.Krishnadass Government Advocate

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to promote the petitioner as Leading Fireman from 14.02.2001 onwards instead of June 2014 as Uplifted Leading Fireman with benefits according to law based on his representation dated 19.10.2016.

2.The facts of the case are that the petitioner joined as a Fireman on 15.02.1991 at Virudhunagar Divisional Fire Office and presently working as Uplifted Leading Fireman in Manamadurai Fire Station. According to the petitioner, the Fireman who has completed 10 years of services will be promoted as Leading Fireman and after completing 10 years in the post of Leading Fireman, he will be further promoted as Assistant Station Fire Officer. On completion of 5 years in the post of Assistant Station Fire Officer, there will be a further promotion to the post of Station Fire Officer. The Divisional Fire Officer issued a seniority list dated 25.08.2007, wherein, the name of the petitioner did not find place. Therefore, the petitioner made representation to the authorities on 26.10.2007 and the 3rd respondent replied stating that his name is found place in 36th place in the seniority list, which according to the petitioner is against



G.O.Ms.No.523 dated 04.06.1982. Hence, he filed W.P(MD)No.10775 of 2007 and this Court directed the respondents to keep one post of Leading Fireman vacant till the disposal of the writ petition. In the meantime, one Karuppaiah, Special Sub Inspector of Police gave a false complaint against the petitioner in Crime No.103/2008 for the offence under Sections 341, 294(b), 323 and 506(ii), 506(ii) IPC and that the petitioner is suffering a departmental punishment in P.R.No.1 of 2009 dated 12.01.2009, in which, postponement of increment for a period of one year without cumulative effect was imposed. The criminal case filed against the petitioner in C.C.No.178 of 2008 on the file of the District Munsif cum Judicial Magistrate, Kamuthi, ended in acquittal. Thereafter, W.P(MD) No.10775 of 2007 came to be disposed of with a direction to consider the representation of the petitioner. Thereafter, there was no response. Finally, the petitioner made a representation dated 19.10.2016 seeking to promote him as Leading Fireman from 14.02.2001 onwards instead of June 2014 as Uplifted Leading Fireman with monetary benefits. As the said representation was not considered, this writ petition has been filed.

3.Learned counsel for the petitioner would submit that the representation of the petitioner dated 19.10.2016 may be directed to be considered by the respondents within a time frame to be fixed by this Court.

4.Having regard to the limited prayer sought for, the respondents are directed to consider the representation of the petitioner dated 19.10.2016 and to pass appropriate orders on merits and in accordance with law within a period of two months preferably on or before 15.03.2017.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1)The Director,
Tamilnadu Fire & Rescue Department, Chennai-8.

2)The Deputy Director,
Tamilnadu Fire & Rescue Department,
South Zone, Near Periyar Bus Terminus, Madurai-1.

3)The Divisional Fire Officer,
Tamilnadu Fire & Rescue Department, Sivagangai, Sivagangai District.

+1 CC to Mr.NA.PALANIYANDI, Advocate, SR No.82738