

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.5681 & 5682 of 2015

Muthukumaran
S/o A.Ramalingam .. Petitioner in W.P.No.5681 of 2015

Rajasekaran
S/o Narayanaswamy ... Petitioner in W.P.No.5682 of 2015

-vs-

1. The Director of Fire & Rescue Services
Greams Road
Chennai 600 006
2. The Deputy Director of Fire &
Rescue Services
Central Region, Trichy
3. The District Fire Officer
Thiruvavarur District
Thiruvavarur .. Respondents in both the W.P's

W.P.No.5681 of 2015 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in Na.Ka.No.14225/Aa1/2013 dated 29.7.2013 and the second respondent in Na.Ka.No.1136/Aa1/2011/1 dated 2.6.2011 and Na.Ka.No.5163/Aa1/2014 dated 6.1.2015 and quash the same in so far as the petitioner is concerned and further direct the respondents to permit the petitioner to participate in the promotion board for the post of Leading Fireman for the year 2014-15 after the relinquishment period and promote him as Leading Fireman and grant him all consequential service and monetary benefits.

W.P.No.5682 of 2015 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in Na.Ka.No.14225/Aa1/2013 dated 29.7.2013 and the second respondent in Na.Ka.No.371/Aa/2007/Pa.u.No.100/2007 dated 9.4.2007 and Na.Ka.No.5163/Aa1/2014 dated 6.1.2015 and quash the same in so far as the petitioner is concerned and further direct the respondents to permit the petitioner to participate in the promotion board for the post of Leading Fireman for the year 2014-15 in Thiruvavarur District and promote him as Leading Fireman and grant him all

consequential service and monetary benefits.

For Petitioners :: Mr.K.Venkataramani
Senior Counsel for
Mr.M.Muthappan

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

Writ Petition No.5681 of 2015 has been filed by Mr.R.Muthukumaran seeking issuance of a writ of certiorarified mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in Na.Ka.No.14225/Aa1/2013 dated 29.7.2013 and the second respondent in Na.Ka.No.1136/Aa1/2011/1 dated 2.6.2011 and Na.Ka.No.5163/Aa1/2014 dated 6.1.2015, quash the same in so far as the petitioner is concerned and further direct the respondents to permit the petitioner to participate in the promotion board for the post of Leading Fireman for the year 2014-15 after the relinquishment period and promote him as Leading Fireman and grant him all consequential service and monetary benefits.

2. Writ Petition No.5682 of 2015 has been filed by Mr.N.Rajasekaran seeking issuance of a writ of certiorarified mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in Na.Ka.No.14225/Aa1/2013 dated 29.7.2013 and the second respondent in Na.Ka.No.371/Aa/2007/Pa.u.No.100/2007 dated 9.4.2007 and Na.Ka.No.5163/Aa1/2014 dated 6.1.2015, quash the same in so far as the petitioner is concerned and further direct the respondents to permit the petitioner to participate in the promotion board for the post of Leading Fireman for the year 2014-15 in Thiruvavarur District and promote him as Leading Fireman and grant him all consequential service and monetary benefits.

3. Heard the learned senior counsel for the petitioners and the learned Special Government Pleader for the respondents.

4. The issue raised in these writ petitions is no longer res integra, as I have considered a similar matter in W.P.No.4957 of 2017 dated 2.1.2018 (S.Rajakumaran v. The Director of Fire & Rescue Services, Chennai & others) and allowed the writ petition holding as follows:-

"7. Accordingly, the impugned orders are set aside in so far as the petitioner is concerned and the writ petition is allowed. The respondents are directed to include the name of the petitioner in the "C" list for promotion to the post of Leading Fireman for the year 2013-2014 in Thiruvavarur District and give him promotion. Needless to mention that the petitioner would be entitled to all consequential service and

monetary benefits. No costs. Connected M.Ps are closed."

5. In view thereof, since the petitioners are also similarly placed persons, the impugned orders are set aside and the writ petitions are allowed. The respondents are directed to include the names of the petitioners in the "C" list for promotion to the post of Leading Fireman for the year 2014-15 in Thiruvavarur District and give them promotion. Needless to mention that the petitioners would be entitled to all consequential service and monetary benefits. Consequently, M.P.Nos.1 of 2015 are closed. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

ss

To

1. The Director of Fire & Rescue Services
Greams Road
Chennai 600 006
2. The Deputy Director of Fire &
Rescue Services
Central Region, Trichy
3. The District Fire Officer
Thiruvavarur District
Thiruvavarur

+1 cc to Mr.M.MUTHAPPAN, Advocate SR.NO. 830

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 3401

WEB COPY

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RJ(CO)
JK 30/01/18