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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.18768 of 2018

V.Selvaraj

... Petitioner

-vs.-

1.The Principal Secretary to Government,
Home Department,
Secretariat,
Chennai-600 009.

2.The Director of Fire and Rescue Services,
Marshal Road,
Egmore,
Chennai - 600 008.

... 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 i.e., the Principal Secretary to Government, Home Department, Chennai to pass appropriate orders on the petitioner's representation dated 04.07.2017 regarding notional promotion in the cadre of Personal Assistant to the Director of Fire and Rescue Services on par with the petitioner's junior and re-fixation of pension on merits and in accordance with law within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.R.Sethu Raman

Special Government Pleader

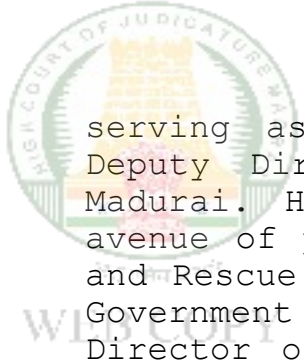
O R D E R

This petition has been filed, seeking to direct the 1st respondent to pass appropriate orders on the petitioner's representation dated 04.07.2017 regarding notional promotion in the cadre of Personal Assistant to the Director of Fire and Rescue Services on par with the petitioner's junior and re-fixation of pension on merits and in accordance with law within a specified time frame, that may be fixed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The case of the petitioner is that the petitioner was last



serving as Selection Grade Superintendent in the Office of the Deputy Director of Fire and Rescue Services, Southern Region, Madurai. His date of superannuation was on 31.05.2016. His next avenue of promotion was Personal Assistant to the Director of Fire and Rescue Services for the year 2015-16, was prepared and sent to Government in letter No.R.C.19855/B1/2015 dated 10.02.2016 of the Director of Tamil Nadu Fire and Rescue Services, Chennai. Out of three vacancies, the petitioner's name was recommended for the second vacancy. But the list was not approved till the date of his superannuation and it was approved by the Government after his date of superannuation. The petitioner's name was not included since he reached the age of superannuation on the date of approved. But, the name of his junior was included. Since the administrative delay in approving the panel for promotion as Personal Assistant to the Director of Fire and Rescue Services, his name was not included in the approved list of the year 2015-16. I have therefore made a representation on 04.07.2017 to the first respondent, narrating all these factual aspects, which did not evoke any response from them and therefore, the petitioner is before this Court, seeking the direction stated supra.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, who would submit that the respondents are prepared to consider the representation of the petitioner and to pass suitable orders on the same.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the concerned respondent to consider the representation dated 04.07.2017, submitted by the petitioner and to pass appropriate orders thereon on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order, if there is no legal impediment to do so. It is open to the respondents to consider the delay aspect, while disposing of the representation.

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

Sd/-

Assistant Registrar(A.S.)

/True Copy/

Sub Assistant Registrar(CS III)

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To:

1.The Principal Secretary to Government,
Home Department, Secretariat, Chennai-600 009.

2.The Director of Fire and Rescue Services,
Marshal Road, Egmore,
Chennai - 600 008.

1CC TO MR. S. VISVALINGAM, ADVOCATE SR: 80730
1CC TO THE SPL GOVT PLEADER SR 81283

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