



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:25.04.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.9919 of 2019

WEB COPY

S.Dakshina Moorthy

... Petitioner

vs.

The Director,
Fire & Rescue Services, Tamilandu,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner, dated 20.08.2018 and 01.04.2019 for re-fixation of his salary under the promotional post of Station Fire Officer for the period of 01.04.2018 to 30.04.2018 from the Basic Pay of Rs.39,800/- to Rs.44,800/- and pass appropriate orders in accordance with law.

For Petitioner : Mr.N.Sankar Ganesh

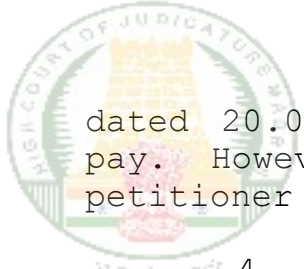
For Respondent : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

The Writ Petition is filed seeking a direction to the respondent to consider the representations of the petitioner, dated 20.08.2018 and 01.04.2019 for re-fixation of his salary under the promotional post of Station Fire Officer for the period from 01.04.2018 to 30.04.2018 from the Basic Pay of Rs.39,800/- to Rs.44,800/-.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

3. The case of the petitioner is that he joined as a Fireman in the respondent Department on 22.09.1986 and thereafter, he got promotion as Station Fire Officer on 01.04.2018 and he retired from service on 30.04.2018 after attaining the age of superannuation. The grievance of the petitioner is that a similarly placed person was fixed with the revised basic pay as Rs.44,800/- when he was promoted as Station Fire Officer, whereas the petitioner was fixed at Rs.39,800/-. Hence, he made representations to the respondent



dated 20.08.2018 and 01.04.2019 seeking re-fixation of his basic pay. However, the same have not been considered so far. Hence, the petitioner has approached this Court by filing this writ petition.

4. The learned Additional Government Pleader appearing for the respondent submitted that the respondent would dispose of the representations of the petitioner on merits, within a time frame as fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned Counsel on either side, without going into the merits of the case, the respondent is directed to dispose of the representations of the petitioner dated 20.08.2018 and 01.04.2019 seeking re-fixation of his basic pay and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

ssl
To

The Director,
Fire & Rescue Services, Tamilandu,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.

+1 CC to M/s.N.SHANKAR GANESH, Advocate
(SR-62629[F] dated 25/04/2019)

+1 CC to M/s.SPL GP (SR-62873[F] dated 26/04/2019)

W.P(MD)No.9919 of 2019
25.04.2019

ES/15.05.2019/2P/4C