



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.5648 of 2015

and

M.P.(MD)No.1 of 2015

M.Ganesan

... Petitioner

-Vs-

1.The Director,

Department of Tamil Nadu Fire and Rescue Services,

Dr.Rukmani-Laksmipathi Salai,

Egmore, Chennai-8.

2.The Divisional Officer,

Department of Tamil Nadu Fire and Rescue Services,

Theni District.

3.The Assistant Director,

Department of Tamil Nadu Fire and Rescue Services,

Southern Region, Madurai.

4.The District Officer,

Department of Tamil Nadu Fire and Rescue Services,

Ramanathapuram District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to restore the original seniority of the petitioner ie., 24.08.1996 and promote the petitioner as Leading Fireman with consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to restore the original seniority of the writ petitioner i.e., 24.08.1996 and promote the writ petitioner as Leading Fireman with consequential benefits.

2.The learned counsel appearing on behalf of the writ petitioner states that the name of the writ petitioner was not considered for the promotion to the post of Leading Fireman, on account of currency of punishment imposed. Undoubtedly, the currency of punishment is a bar for promotion. However, it is contended that the currency of punishment was expired and even after the expiry, the case of the writ petitioner was not considered.



3. Under these circumstances, the respondents are bound to consider the case of the writ petitioner, if he is otherwise qualified and eligible and there is no other impediment for grant of promotion.

4. The currency of punishment is a bar for promotion. However, in the event of setting aside the punishment, the writ petitioner would be entitled for retrospective promotion. If the punishment is confirmed, then the petitioner may not be entitled for retrospective promotion. However, further promotion is to be considered, after the expiry of the currency of punishment with reference to the promotion rules in force. Thus, the writ petitioner is at liberty to approach the authorities for the purpose of redressing his grievance with reference to the rules in force and the respondents are also directed to consider the case of the writ petitioner with reference to the promotion rules, if there is no other impediment for grant of such promotion and if the writ petitioner is fully qualified or eligible.

5. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director,
Department of Tamil Nadu Fire and Rescue Services,
Dr. Rukmani-Laksmipathi Salai,
Egmore, Chennai-8.

2. The Divisional Officer,
Department of Tamil Nadu Fire and Rescue Services,
Theni District.

3. The Assistant Director,
Department of Tamil Nadu Fire and Rescue Services,
Southern Region, Madurai.

4. The District Officer,
Department of Tamil Nadu Fire and Rescue Services,
Ramanathapuram District.

+1 CC to Mr. T. LAJAPATHI ROY, Advocate SR-70890.

+1 CC to SPL GP SR-71002.

W.P (MD) No. 5648 of 2015