

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10353 of 2013

B.Ramachandran

... Petitioner

Vs.

1. The Director of Fire Service,
Egmore, Chennai 600 008.
 2. The Divisional Fire Officer,
Fire and Rescue Service Department,
South Chennai Division, Ashok Nagar,
Chennai-83.
- ... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ or Order or Direction more particularly a Writ of Ceriorarified mandamus by calling for the records relating to the 2nd respondent herein in RC No.397/B1/2011 dated 02.11.2011 reverting the petitioner to the post of fireman and the consequential order passed in the appeal by the first respondent in herein in RC.No.15423/B4/2012 dated 03.12.2012 and quash the same and consequently direct the respondents to confer the equivalent post of leading fireman post to the petitioner with due regards to petitioner's seniority.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.J.Ramesh, Addl. Gov. Pleader
(for R1 and R2)

सत्यमेव जयते
O R D E R

This petition has been filed to quash the orders passed by the 2nd respondent in RC No.397/B1/2011 dated 02.11.2011 reverting the petitioner to the post of fireman and the consequential order passed by the first respondent in RC.No.15423/B4/2012 dated 03.12.2012 and consequently direct the respondents to confer the equivalent post of leading fireman post to the petitioner with due regards to petitioner's seniority.

2. The case of the petitioner in nutshell is as follows:

The petitioner has joined the service on 9.9.1996 as Fireman in the Fire and Rescue Service Department, through Uniformed Service Recruitment Board. The petitioner opted for promotion to the post of Fireman driver in the year 2007 and accordingly he was promoted. But due to the fracture sustained by him, while doing the work of fireman in the year 1998, he find difficulty in driving the vehicle only in the year 2009. Therefore, he made representation in the year 2009 to revert him to the post of fireman by stating that he could not effectively do his work. Further, as per the direction given by the Department, he made written request for temporary reversion only. However, the 2nd respondent passed order as if the petitioner is permanently reverted as fireman. Therefore, he made representation to the 2nd respondent. However, his representation was not considered by the 2nd respondent and passed the fresh reversion order on 2.11.2011 reverting the petitioner as fireman. Though the petitioner filed an appeal before the first respondent, the same was rejected on 03.12.2012. Hence this writ petition.

3. The learned counsel appearing for the writ petitioner submitted that the respondents reconsidered the request of the petitioner and granted promotion to him as leading fireman with effect from 26.02.2019. According to him, the petitioner is entitled for the promotion to the aforesaid post on par with the juniors in the post of Fireman.

4. Since the respondents have ordered for promotion to the petitioner as leading fireman, the prayer sought for in this writ petition has become infructuous. As far as the claim of seniority in the promotion post on par with juniors in the post of Fireman is concerned, it is for the petitioner to seek his remedy in the manner known to law.

5. With the above observations, this writ petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar(C.S.VI)

/True copy/

Sub Assistant Registrar

To

1. The Director of Fire Service,
Egmore, Chennai 600 008.
2. The Divisional Fire Officer,
Fire and Rescue Service Department,
South Chennai Division, Ashok Nagar,
Chennai-83.

+1 cc to M/s.R.S.Anandan, Advocate Sr.No. 9604

+1 cc to The Government Pleader Sr.No. 10401

AKM/11.03.2020/3P-5C /

W.P.No.10353 of 2013



WEB COPY