



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.3842 of 2020

WEB COPY  
P.Ganesan

... Petitioner

/vs./

1.The Government of Tamil Nadu,  
rep., by its Secretary to Home Department,  
Fort St.George, Chennai 600 009.

2.The Director of Fire and Rescue Service,  
Tamilnadu,  
17, Rukmani Lakshmipatty Road,  
Egmore, Chennai.

3.The Deputy Director of Fire Service,  
South Zone, Madurai.

4.The Divisional Officer,  
Divisional Officer of Fire and  
Rescue Services Department,  
Tirunelveli.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 30.09.2019 to give notional promotion to him post of Station Fire Officer with all monetary benefits.

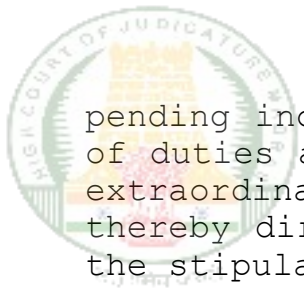
|                 |   |                            |
|-----------------|---|----------------------------|
| For Petitioner  | : | Mr.P.T.Thiraviam           |
| For Respondents | : | Mr.R.Sethuraman            |
|                 |   | Special Government Pleader |

**ORDER**

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

2. The limited prayer sought for by the petitioner is that to consider the representation dated 30.09.2019 seeking for giving a notional promotion to him post of Station Fire Officer with all monetary benefits

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merit and pass appropriate orders in one way or other, instead of keeping the same



pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

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4. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representations dated 30.09.2019 on its own merits and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondents to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

- 1.The Secretary to Home Department,  
Government of Tamil Nadu,  
Fort St.George, Chennai 600 009.
- 2.The Director of Fire and Rescue Service,  
Tamilnadu,17, Rukmani Lakshmipatty Road,  
Egmore, Chennai.
- 3.The Deputy Director of Fire Service,  
South Zone, Madurai.
- 4.The Divisional Officer,  
Divisional Officer of Fire and  
Rescue Services Department, Tirunelveli.

+1 CC to M/s.SPL.GP ( SR-8787[F] dated 27/02/2020 )

Order made in

W.P.(MD) No.3842 of 2020

Dated:26.02.2020

SMA/10/03/2020/2P/6C