



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NO.23922 OF 2021

B.Ramesh

... Petitioner

.Vs.

1. The Secretary to the Government
(Home Department),
(Department of Fire Service),
State of Tamil Nadu,
Fort St. George,
Chennai.

2. The Director of Service,
Fire Service,
Lakshmipathi Salai,
Egmore, Chennai - 8.

3. The Chairman,
Tamil Nadu Uniformed Services
Recruitment Board,
Indira Nagar, Chennai - 20.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to give alternative appointment to the petitioner considering the representation dated 15.03.2021.

For Petitioner : Mr.S.Saji Bino

For Respondents : Mr.G.Krishnaraja
Government Advocate

O R D E R

The case of the petitioner is that he appeared for physical test for recruitment to the post of Constable in the Fire Service Department on 17.04.2000. When he was subjected to physical endurance test, the petitioner had suffered an injury



on his right leg and an FIR was also registered in Crime No.176 of 2000 dated 17.04.2000 under Section 337 I.P.C. The petitioner appeared to have obtained wound certificate on the following day, i.e., 18.04.2000 from Thanjavur Medical College. According to the wound certificate that the injury suffered by the petitioner was grievous in nature and thus he suffered permanent disability.

2. According to the petitioner, he had been given I.D. Card declaring him a disabled person and was in receipt of Rs.1000/- one time stipend sanctioned by the Government due to COVID-19 situation. Being a disabled person, suffered disability during the date of his selection, he had given a representation on 24.02.2001 requesting alternate employment in the Fire Service Department. Since there was no response forthcoming, he has given further representation to the District Collector on 22.03.2004.

3. The petitioner, in the meanwhile, appeared to have also filed a Suit in O.S.No.138 of 2003 before the Additional Sub-Court, Thanjavur seeking compensation. According to the petitioner, the judgment in the aforesaid Suit dated 30.09.2004 recorded the fact of negligence on the part of the Fire Service Department.

4. In the above circumstances, the petitioner claims to have submitted a recent representation dated 15.03.2021 to reconsider his request for providing him an alternate employment. As the representation has not evoked any response, the petitioner is before this Court with the prayer for issuance of writ of mandamus to direct the respondents to give alternate employment by considering his representation dated 15.03.2021.

5. This Court is unable to appreciate as to how such a belated request of the petitioner is maintainable before this Court. From the above factual narrative, it may be seen that the petitioner participated in the selection as early as April, 2000 and appeared to have been injured in the physical endurance test. Thereafter, the petitioner appeared to have submitted some representations seeking employment and the representation obviously not evoked any response from the respondents.

6. There is no explanation at all in the affidavit filed in support of the Writ Petition as to what the petitioner was doing for about 20 years and what prompted him to suddenly come up with the recent representation dated 15.03.2021. It is needless to mention that the recent representation was given only to invoke the extraordinary remedy before this court for issuance of writ of mandamus.



7. The claim by the petitioner at this distance of time is extremely stale and cannot be entertained. It is obvious that the present Writ Petition has been filed as a speculative litigation which ought not to be entertained at all. In any event, even according to the petitioner, suit has been filed for compensation and once compensation has been claimed against the Department, the question of claiming any employment further may not arise in a different proceeding before this Court.

8. On the whole, this Court finds that the Writ Petition is without any merit and in the absence of any worthy averments or grounds, the Writ Petition cannot be entertained by this Court.

9. In the above circumstances, this Writ Petition stands dismissed at the admission stage. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government
(Home Department),
(Department of Fire Service),
State of Tamil Nadu,
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Chennai.
2. The Director of Service,
Fire Service,
Lakshmipathi Salai,
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3. The Chairman,
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Recruitment Board,
Indira Nagar, Chennai - 20.

+1cc to the Government Pleader, S.R.No.58200

W.P.NO.23922 OF 2021

SPD(CO)
PBS/02/12/2021