



WP(MD)No.15335 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.15335 of 2022
and
W.M.P.(MD) No.10974 of 2022

G.Jeya Sankar

... Petitioner

Vs.

1.The Chairman,
Marine Department,
VOC Port Trust,
Tuticorin - 628 004.

2.The Deputy Conservator,
Marine Department,
VOC Port Trust,
Tuticorin - 628 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to promote the petitioner to the post of Assistant Fire Officer (Class-III) on par with his immediate Junior taking into consideration of the petitioner's seniority and the conclusion of the verification of the community



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certificate proceedings by considering petitioner's representation dated 18.05.2022 within a period that may be stipulated by this Court.

For Petitioner : Mr.S.Mohammed Suhail
for M/s.Ajmal Associates
For Respondents : Mr.VR.Shanmuganathan

ORDER

This writ petition has been filed seeking a writ of Mandamus to direct the respondents to promote the petitioner to the post of Assistant Fire Officer (Class-III) on par with his immediate Junior taking into consideration of the petitioner's seniority and the conclusion of the verification of the community certificate proceedings by considering petitioner's representation dated 18.05.2022 within a period that may be stipulated by this Court.

2. The learned counsel for the petitioner submitted that he was initially appointed as Fireman at VOC Port Trust on 29.06.1995, for Scheduled Tribe reserved post. He was promoted as Fireman Driver and



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further as Sub-Officer on 28.04.2015 at VOC Port Trust. Later, he was promoted as Safety Inspector on adhoc basis on 07.12.2020 and his service was regularised as on 24.03.2021. The petitioner's junior one Jesudoss Livingston was appointed as Fireman through Direct recruitment on 21.03.1998 and was promoted as Leading Fireman on 11.04.2009 under meritorious quota for his participation in South Asian Games held at Colombo. He was promoted by-passing many seniors with a malafide intention. He was further promoted as Sub-Officer on 16.06.2011 by-passing many seniors, including him. His promotion is not in line with the existing Rules. He sent a detailed representation on 18.05.2022 seeking promotion as Fire cum Assistant Safety Officer, but there was no response to the said representation. Therefore, this writ petition has been filed.

3. Mr.VR.Shanmuganathan, learned counsel takes notice for the respondent and submitted that the petitioner's representation would be considered on merits and in accordance with law.



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4. In fact, the petitioner's prayer is to consider his representation, dated 18.05.2022 within a time frame to be stipulated by this Court.

5. Considering the limited scope of the prayer sought for in this writ petition and the petitioner now only seeks that his representation, dated 18.05.2022, may be considered within a stipulated period, this Court directs the respondents to consider the petitioner's representation, dated 18.05.2022 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
RM



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To

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G.CHANDRASEKHARAN, J.

RM

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