



W.P(MD)No.18116 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18116 of 2022

and

W.M.P(MD)No.13215 of 2022

G.Jeyasankar

... Petitioner

Vs

- 1.The Union of India,
Represented by
The Secretary,
Ministry of Port, Shipping and Waterways,
Paivahan Bhawan,
No.1, Parliament Street,
New Delhi – 110 001.
- 2.The Director,
Ministry of Home Affairs,
(Department of Personnel and Administrative Reforms),
5th Floor, Sardar Patel Bhavan,
New Delhi.
- 3.The Director,
Ministry of Personnel, Public Grievance and Pensions,
(Department of Personnel and Training),
North Block,
New Delhi – 110 001.
- 4.The Chairman,
V.O.Chidambaranar Port Authority,



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(Previously called as V.O.Chidambaranar Port Trust),
Administrative Office,
Harbour Estate,
Tuticorin – 629 004.

5.The Deputy Conservator,
V.O.Chidambaranar Port Authority,
(Previously called as V.O.Chidambaranar Port Trust),
Administrative Office,
Harbour Estate,
Tuticorin – 629 004.

6.The Tuticorin Port Trust Board,
Represented by
The Chairman,
Administrative Office,
Harbour Estate,
Tuticorin – 629 004.

7.G.Jesudoss Livingston

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 4 and 5 from giving promotion to G.Jesudoss Livingston / seventh respondent either in the post of “Assistant Fire Officer” or any other promotion post as his earlier promotion to the post of “Leading Fireman” was wrongly given and by violating rules and reservation norms as well as against the Official Memorandum, dated 04.08.1980 vide No.14015/1/76-ESH.(D) of the second respondent and against the proceeding of office Memorandum, dated 26.07.2012 in F.No.14034/1/2012-ESH (D) of third respondent and also considering service of petitioner directing the respondents 4 and 5 to promote the petitioner to the post of “Assistant Fire Officer” in regular post by considering his representations dated 18.05.2022, 15.06.2022 and 11.07.2022.



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For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.V.B.Sundhareshwar
Central Government Standing Counsel
for R.1 to R.3

Mr.A.Arivuchandran for R.4 & R.6

Mr.T.Lajapathi Roy for R.5

Mr.V.Panneer Selvam for R.7

ORDER

Heard the learned counsel on either side.

2. When the matter was taken up for hearing, it is brought to the notice of the Court that the petitioner's request was rejected by the fifth respondent vide order dated 17.08.2022. The said rejection order came to be passed following the direction of this Court in W.P(MD)No.15335 of 2022 dated 14.07.2022. This writ petition has been filed before the rejection order was passed.

3. In these circumstances, the learned counsel appearing for the petitioner stated that he may be permitted to amend the writ petition. I am of the view, that since the rejection order has been passed it is better for the writ petitioner to file a fresh writ petition.



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4. In this view of the matter, this writ petition is disposed of with the liberty to the petitioner to file a fresh writ petition questioning the rejection order dated 17.08.2022. All the contentions of the writ petitioner are left open. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2022

Index : Yes / No
Internet : Yes/ No
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To

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- 4.The Chairman,
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Administrative Office,



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5. The Deputy Conservator,
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6. The Chairman,
Tuticorin Port Trust Board,
Administrative Office,
Harbour Estate,
Tuticorin – 629 004.



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