



W.P.(MD)No.27730 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.27730 of 2022

and

W.M.P.(MD) No.21830 of 2022

G.Jeyasankar

... Petitioner

Vs.

1.The Union of India,

Represented by its 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.



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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 Chdambaranar Port Authority,
(Previously Called as V.O.Chidambaranar Port Trust),
Administrative Office,
Harbour Estate,
Tuticorin - 629 004

5.The Deputy Conservator

V.O.Chdambaranar Port Authority,
(Previously Called as V.O. Chidamabaranar Port Trust),
Administrative Office,
Harbour Estate, Tuticorin - 629 00

6.The Tuticorin Port Trust Board,

Represented by its Chairman,
Administrative Office,
Harbour Estate,
Tuticorin - 629 004



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7.G.Jesudoss Livingston

S/o. Gnana Varistano,
Employment No. 2888,
Safety Inspector, Pot Fire Service,
V.O.Chdambaranar Port Authority,
(Previously Called as V.O. Chidamabaranar Port Trust),
Administrative Office,
Harbour Estate, Tuticorin - 629 00

8.The Departmental Promotion Committee (DPC),

Represented by its Executive Engineer,
Administrative Office,
Harbour Estate,
Tuticorin District - 629 004.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the Impugned Order, dated 17.08.2022, vide No.MAR-ESTAOESMA /(MISC)/7/2022 - Marine HM/D.392 as illegal, arbitrary, unjust, unconstitutional and not in accordance with the office Memorandum dated 04.08.1980, vide No. 14015/1/76-Estt(D) of second respondent and



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against the Office Memorandum, dated 26.07.2012, vide No.F.No.14034/1/2012-Estt(D) of the third respondent and directing the respondents 4, 5 and 8 to promote the petitioner by considering his service to the post of "Assistant Fire Officer" which is kept vacant in regular post reserved for Schedule Tribe Quota based on his representation dated 11.07.2022.

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.V.R.Shanmuganathan - R4 to R6

ORDER

This Writ Petition has been filed to call for the records relating to the Impugned Order, dated 17.08.2022, vide No.MAR-ESTAOESMA / (MISC)/7/2022 - Marine HM/D.392 as illegal, arbitrary, unjust, unconstitutional and not in accordance with the office Memorandum dated 04.08.1980, vide No. 14015/1/76-Estt(D) of second respondent and against the Office Memorandum, dated 26.07.2012, vide No.F.No.14034/1/ 2012-Estt(D) of the third respondent and directing the respondents 4, 5 and 8 to promote the petitioner by considering his service to the post of "Assistant



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Fire Officer" which is kept vacant in regular post reserved for Schedule Tribe Quota based on his representation dated 11.07.2022.

2. The learned counsel for the petitioner submitted that though the petitioner filed a writ petition challenging the rejection of the petitioner's application in the impugned order, dated 17.08.2022, this Court may grant liberty to the petitioner to challenge the promotion given to the seventh respondent in the year 2009, in the manner known to law.

3. Since no adverse order is passed against the seventh respondent, notice to the seventh respondent is dispensed with.

4. Considering the limited request made by the learned counsel for the petitioner, without interfering with the order impugned in the writ petition, this Court grants liberty to the petitioner to work out his remedy in the manner known to law.



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5. 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
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M.DHANDAPANI,J.

RM

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