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W.P.No.6654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6654 of 2023

K. Mathi

... Petitioner

Vs.

- 1.The Director,
Fire and Rescue Department,
Egmore, Chennai – 600 008.
- 2.The Deputy Director,
Fire and Rescue Services,
Central/Region,
Trichy.
- 3.The District Officer,
Fire and Rescue Services,
Villupuram,
Villupuram District.
- 4.R. Mr.Palavesam Muthu,
Leading Fireman,
Sivakasi Fire and Rescue Service Station,
Virudhunagar District.
- 5.P. Panner Selvam,
Upgrade Leading Fireman,
Kattumanarkudi Fire and Rescue Station,
Cuddalore District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representations dated 27.05.2022, 06.06.2022 and 29.08.2022 for taking appropriate action for fixation of the petitioner's seniority on the basis of mark secured 67.75% within a time frame fixed by this Court.

For Petitioner : Mr.G. Mutharasu

For Respondents : Mr.E. Sundaram,
Government Advocate [R1 to R3]

ORDER

Mr.E. Sundaram, learned Government Advocate, takes notice for the respondents 1 to 3. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given representations on 27.05.2022, 06.06.2022 and 29.08.2022 to the respondents 1 to 3, seeking for fixation of his seniority on the basis of his marks secured. Since the said representations were not considered, the present Writ Petition has been filed.



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3. It is needless to point out that whenever representations of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the respondents 1 to 3 herein, to consider the petitioner's representations dated 27.05.2022, 06.06.2022 and 29.08.2022, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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M.S.RAMESH, J.

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5. With the above direction, the Writ Petition stands ordered. No costs.

03.03.2023

Speaking/Non-speaking Order
Internet: Yes/No
Index: Yes/No
Neutral Citation: Yes/No

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To

- 1.The Director,
Fire and Rescue Department,
Egmore, Chennai – 600 008.
- 2.The Deputy Director,
Fire and Rescue Services,
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Trichy.
- 3.The District Officer,
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