

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 17912 of 2022

A.Sivakumar

... Petitioner

-VS-

1. The Secretary to Government of Tamil Nadu,
Home (Police XVII) Department,
Fort St George, Chennai – 9.

2. The Director of Fire & Rescue Services,
Egmore, Chennai – 8.

3. The Chairman,
T.N. Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 8.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to restore seniority to the Petitioner at par with those who were selected and appointed as Fireman and sent for training on 22.10.01 and fix his seniority in the cadre of Fireman, based on the marks secured by him in the process of selection made by the Third Respondent, in the light of the representation made by him dated 17.02.2022 and grant him all consequential service and monetary benefits.

For Petitioner : Mr. K.Venkatramani, Senior Counsel
For Mr. M.Vignesh Raj

For Respondents : Mrs. R.Anitha,
Special Government Pleader
(for R1 & R2)

Mrs. Sowmi Dattan (for R3)

ORDER

Heard Mr. K.Venkatramani, Learned Senior Counsel appearing for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader appearing for the First and Second Respondents and Mrs. Sowmi Dattan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 17.02.2022 for fixation of his seniority in the post of fireman based on the marks secured by him in the selection conducted by the Third Respondent, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 17.02.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain his position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 30.06.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and

(vi) the report of such compliance shall be filed before the Registrar
(Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

28.03.2023
1/4

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Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 26.05.2023

To

1. The Secretary to Government of Tamil Nadu,
Home (Police XVII) Department,
Fort St George, Chennai – 9.
2. The Director of Fire & Rescue Services,
Egmore, Chennai – 8.
3. The Chairman,
T.N. Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 8.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.

W.P. No. 17912 of 2022

P.D. AUDIKESAVALU, J.

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28.03.2023

1/4