



WEB COPY



W.P.No.17604 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.A.Govindasamy
2.A.Paramasivam
3.T.Venkatachalam
4.R.Mahendran
5.L.Thangaraj
6.A.Krishnamoorthy
7.K.Sekar

.. Petitioners

VS

1.Government of Tamilnadu,
rep. by its Secretary,
Home (Police-VII) Department,
Fort St. George,
Chennai-600 009.

2.The Director of Fire and Rescue Services,
No.17, Rukmani Lakshmipathi Salai,
Egmore, Chennai-600 008.

3.P.Sekar,
Station Fire Officer,
Kothagiri Rescue Station,
Kovai-Nilagiri Division,
Kothagiri, Nilgiris District.



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4.Madhanagopal,
Station Fire Officer,
Fire Prevention Wing,
Erode Division,
Erode.

.. Respondents

[Respondents 3 and 4 are shown as respondent in a representative capacity for themselves and on behalf of other similarly placed persons who are juniors to the petitioners in the post of Fireman but who were promoted as Assistant Fire Officer/Station Fire Officers]

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring that Rule 27 read with paragraph 4 of the Annexure to the Recruitment, Training, Examination and Promotion of Non-Gazetted Officers Rules under Chapter-III of the Subordinate Service Rules and also the orders granting promotion to the post of Leading Fireman, Assistant Station Fire Officer and Station Fire Officer based on the Divisional Seniority as illegal and unconstitutional and consequently direct the respondents to promote the petitioners either as Assistant Station Fire Officer or Station Fire Officer from the date on which their immediate juniors in the post of Fireman were promoted to the posts of Assistant Station Fire Officer/Station Fire Officer with due seniority and all other consequential and monetary benefits.



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For the Petitioners : Mr.V.Ajoy Khose
For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1 and 2

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.V.Ajoy Khose, learned counsel for the petitioners and Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1 and 2.

2. Learned counsel for the petitioners submits that the petitioners herein have retired from service and they will not be claiming any relief. He submits that as far as challenge to the impugned Rule is concerned, the same may be kept open while disposing of the writ petition.

3. In view of that, the writ petition is disposed of. The challenge to the Rule impugned in the writ petition is kept open. The same may



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be assailed in an appropriate petition. There shall be no order as to costs. Consequently, M.P.Nos.2 of 2012 and 1 of 2014 are closed. M.P.No.1 of 2012 filed to permit the petitioners to file a single writ petition is allowed and disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

21.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Secretary,
Government of Tamilnadu,
Home (Police-VII) Department,
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Chennai-600 009.
- 2.The Director of Fire and Rescue Services,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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