



WEB COPY

W.P.No.20577 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.20577 of 2015

P.Anbzhagan

... Petitioner

Vs.

1. The Chairman, Chennai Port Trust,
Rajaji Salai, Chennai – 600 001.

2. The Deputy Conservator,
Marine Department, Chennai Port Trust,
Rajaji Salai, Chennai – 600 001.

3. Mr.K.Ravi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in his impugned proceeding No.D3/643/2015/M dated 15.04.2015 and impugned proceeding No.D3/643/2015/M dated 06.05.2015 and quash the same and consequently direct the 1st and 2nd respondents herein to forthwith promote the petitioner to the post of Assistant Fire Officer with effect from 06.05.2015 with all monetary and other attendant benefits

For Petitioner : Mr.K.Raja

For Respondents : Mr.P.Ulaganathan



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ORDER

The claim of the petitioner for promotion to the post of ‘Assistant Fire Officer’ was negated by the respondents by passing the impugned order on the ground that the petitioner does not possess the requisite qualification viz., Station Officers Course of Training at National Fire Service College, Nagpur.

2. It is the contention of the learned counsel for the petitioner that undergoing the training for 'Station Officers Course of Training at National Fire Service College, Nagpur' is not in the hands of the petitioner and it is only when the petitioner was deputed for undergoing such training, he can acquire such qualification. Further, it is contended that though the Respondent No.3 herein was appointed as 'Grade II Fireman', subsequent to the petitioner, he was allowed to attend such training and acquired the minimum qualification for the post of ‘Assistant Forest Officer’ ahead of the petitioner and whereas the petitioner was not deputed to undergo such training. Thus, it is contended that it is only because of the arbitrary action on the part of the respondents, the petitioner could not undergo the requisite



training at the National Fire Service College, Nagpur. Thus, it is contended that a mere failure to undergo the said training cannot be a ground to deny promotion to the petitioner.

3. In the light of the specific contention raised, the only issue that needs to be considered is, as to whether the action of the respondents in sending the Respondent No.3 to undergo training at National Fire Service College, Nagpur, ahead of the petitioner is legal or not.

4. As seen from the counter-affidavit, though the petitioner was appointed as 'Fireman Grade II' ahead of the Respondent No.3, the Respondent No.3 was promoted to the post of 'Fireman Grade I' on 01.12.1989 under the ST Category ahead of the petitioner. He was then further promoted to the post of 'Safety Inspector', which is a feeder category to the post of 'Assistant Forest Officer' on 01.04.2008 and whereas, the petitioner herein was promoted to the post of 'Safety Inspector' only on 11.01.2011. The promotions granted in favour of the Respondent No.3 to the post of 'Fireman Grade I' and 'Safety Inspector' with effect 01.12.1989 and 01.04.2008, are not under challenge.



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5. Once it is admitted that the Respondent No.3 was promoted to the posts of 'Fireman Grade I' and 'Safety Inspector' ahead of the petitioner, and the post of 'Safety Inspector' being a feeder category, the contention of the learned counsel for the petitioner that the petitioner herein was appointed earlier than the Respondent No.3 to the post of 'Fireman Grade II' absolutely has no significance or relevance. Admittedly, the feeder category to the post of 'Assistant Fire Officer' is 'Safety Inspector'. The Respondent No.3 was appointed to the post of 'Safety Inspector' on 01.04.2008, while the petitioner herein was appointed on 11.01.2011. There is no dispute on these crucial dates. Once it is admitted, the action of the respondents in sending the Respondent No.3 for training at National Fire Service College, Nagpur, ahead of the petitioner cannot be said to be an arbitrary action.

6. Admittedly, the Respondent No.3 is the senior to the petitioner in the cadre of 'Safety Inspector'. Therefore, the reliance placed by learned counsel for the petitioner in the case of ***“Laxmi Chand -vs- Haryana Vidyut Prashan Nigam Ltd.,”*** reported in **(2002) 10 SCC 539** and in the case



“Jagdish Chandra Girijashanker -vs- Mohanbhai Hathibhai (Dead)

Through Lrs.” reported in **(2002) 10 SCC 540**, absolutely have no application to the case on hand. In the circumstances, it is evident that the petitioner is junior to the Respondent No.3 in the category of ‘Safety Inspector’ and does not possess the requisite qualification of undergoing training at the National Fire Service College, Nagpur.

7. In the circumstances, this court does not find any error or illegality in the impugned order passed by the respondents. Accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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