



WP(MD) No.2578 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.06.2024**

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.2578 of 2024

M.Muthuram

.. Petitioner

Vs.

1. The Director,  
Tamil Nadu Fire and Rescue Department,  
No.17, Rukmani, Lakshimapathy Road,  
Egmore, Chennai.

2.The Deputy Director,  
Fire and Rescue Department,  
South Region,  
Madurai.

3.The District Officer,  
Fire and Rescue Department,  
Madurai & District.

.. Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to promote the petitioner from Station Officer to Assistant District Officer on the basis of seniority list issued by the 1st respondent dated 20.02.2023 by considering the petitioner's representation dated 23.01.2024.

For Petitioner : Ms.A.Arul Jenifer  
for M/s.KBS Law Office

For Respondents : Mr.M.Lingadurai  
Special Government Pleader

### **ORDER**

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to promote the petitioner from Station Officer to Assistant District Officer on the basis of seniority list issued by the 1st respondent dated 20.02.2023 by considering the petitioner's representation dated 23.01.2024.



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2. Heard Ms.A.Arul Jenifer, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

3. The petitioner was appointed as Fireman in the respondent Department in the year 1988. Thereafter, he was promoted as a Station Officer to the office of the Kollankodu Fire and Rescue Service Station at Kanniyakumari District, in the year 2013 and he has rendered 36 years of unblemished service in the said Department. The Government has sanctioned 39 posts of Assistant District Officer, which should be filled up by promotion from the cadre of Station Officer. Hence, the Director of Fire and Rescue Service has issued seniority panel in the cadre of Station Officer consisting of eligible candidates for promotion. In the said panel, the petitioner has been shown as one among the eligible candidates. Out of the said 39 posts, 24 posts have been filled as temporary promotion under Section 47(1) of the Tamil Nadu



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Government Servants (Conditions of Service) Act, 2016 vide order dated 25.04.2023 by the 1st respondent. Despite the suitable candidates are available, the 1st respondent has issued promotion order only for 24 candidates. Though the petitioner is eligible for promotion, he is not promoted to the post of Assistant District Officer and hence, the petitioner has given a representation to the respondents on 23.01.2024 seeking for promotion. Since the said representation was not considered by the respondents so far, the present writ petition has been filed.

4. It is needless to point out that whenever a representation 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the



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petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the 1st respondent herein to consider the petitioner's representation dated 23.01.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands **disposed of**. No costs.

**04.06.2024**

Index : Yes / No  
NCC : Yes / No  
PJJ



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**R.N.MANJULA, J.**

PJL

**Order made in  
W.P.(MD)No.2578 of 2024**

**Dated:  
04.06.2024**