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W.P.(MD) No.9284 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.9284 of 2019

K.Adaikkalam

... Petitioner

-vs-

1.The Government of Tamil Nadu
through its Secretary
Home Department
Secretariat, Fort St.George
Chennai-9

2.The Director, Fire & Rescue Service
Tamil Nadu
No.17, Rukmani Lakshmipathy Road
Egmore, Chennai-8

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to notionally provide the promotional benefits of Station Officer based on the State-wide seniority to the petitioner within the time frame to be fixed by this Court.

For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathy Roy & Associates

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader



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ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to notionally provide promotional benefits of Station Officer to the petitioner based on State-wide seniority.

2. The petitioner claims that as per the State-wide seniority, he ought to have been promoted to the post of Station officer. According to him, despite several requests, his name has not been included in the promotion panel for the post of Station Officer. The petitioner has also retired from service. Therefore, he now seeks for notional promotion from the date when he became eligible for being promoted to the post of Station Officer.

3. A counter affidavit has been filed by the respondents denying the contentions of the petitioner. However, it is seen that the representation given by the petitioner prior to the filing of this writ petition has not been considered by the respondents.

4. No prejudice will be caused to the respondents, if the petitioner is allowed to give a fresh representation to the respondents seeking for



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notional promotion to the post of Station Officer based on State-wide seniority and a direction is issued to the respondents to consider the said representation on merits and in accordance with law, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents seeking for notional promotion to the post of Station Officer based on State-wide seniority with effect from the date when he became eligible to the said post, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondents shall pass final orders on merits and in accordance with law on the said representation, within a period of twelve weeks thereafter.

6. With the above directions, this writ petition is disposed of. No costs.

23.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
krk



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To:

- 1.The Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-9.

- 2.The Director, Fire & Rescue Service,
Tamil Nadu,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.



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ABDUL QUDDHOSE, J.

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