



W.P(MD) No.20676 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20676 of 2024

and

W.M.P(MD)Nos.17593 & 17595 of 2024

S.Selvaraj

... Petitioner

Vs.

1.The Tamil Nadu Fire and Rescue Department,
Rep. By its Director,
No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai.

2.The District Officer,
The Tamil Nadu Fire and Rescue Department,
Ramanathapuram District,
Ramanathapuram.

3.The District Officer,
The Tamil Nadu Fire and Rescue Department,
Madurai District,
Madurai.

... Respondents

PRAYER: PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records pertaining to the impugned order in Moo.Mu.No.862/Aa1/2021, dated 24.07.2024 on the file of the respondent No.2 and the consequential impugned order in Mea.Ku.Moo.Mu.No.9750/Aa/2024 dated 30.07.2024 on the file of the respondent No.3 and to quash the same.



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For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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ORDER

The instant writ petition has been filed by a Leading Firemen working in the Tamil Nadu Fire and Rescue Department, challenging the order of recovery, dated 24.07.2024.

2.The petitioner herein had earlier challenged a similar order of recover dated 15.10.2020 in W.P(MD)No.1544 of 2021. The said writ petition was allowed on 21.03.2024 on the ground that the principles of natural justice were not been followed. However, the authorities were granted liberty to initiate appropriate action after duly complying with the principles of natural justice.

3.The order of this Court was wrongly understood by the respondent authorities as if the writ petition filed by the petitioner has been dismissed and proceeded to pass the same order without giving any opportunity to the writ petitioner. Therefore, it is clear that the impugned order suffers from non application of mind.



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4. In view of the above said facts, the order impugned in the writ petition is hereby set aside with a direction to the respondent authorities to strictly follow the order of this Court, dated 21.03.2024 made in W.P(MD)No.1544 of 2021 after giving due opportunity to the petitioner.

5. With the above said observations, this writ petitions stands disposed of.
No costs. Consequently, connected miscellaneous petitions are also closed.

30.08.2024

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

RJR



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To

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The Tamil Nadu Fire and Rescue Department,
No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai.
- 2.The District Officer,
The Tamil Nadu Fire and Rescue Department,
Ramanathapuram District,
Ramanathapuram.
- 3.The District Officer,
The Tamil Nadu Fire and Rescue Department,
Madurai District,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

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