



WEB COPY

WP No. 310 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-12-2025**

CORAM

**THE HON'BLE MR JUSTICE M.DHANDAPANI**

**WP No. 310 of 2024**

1. M.Sankar  
S/o. S.V. Moorthy,  
Leading Fireman 7504 ,  
State Training Centre, Tambaram,  
Fire And Rescue Services Station,  
South Chennai District
2. R.Vinayagamurthy  
S/o. Ramaswamy,  
Leading Fireman 7627  
Vyasarpadi Fire Station,  
North Chennai Division, Chennai 1
3. D.Rajapathar  
S/o. Deivasigamani,  
Leading Fireman 7696  
Mahindra World City Fire And Rescue Services  
Station, Chengalpattu District
4. R.Balamurugan  
S/o. Ramalingam,  
Leading Fireman 7554 ,  
Mamallapuram Fire And Rescue Services  
Station, Chengalpattu District
5. Sivasanthosh  
S/o. Balasubramaniam,  
Leading Fireman 7465,  
Thirumarugal Fire And Rescue Services  
Station,  
Nagapattinam District



6. K.Babu  
S/o. Kasinathan,  
Upgrade Leading Fireman 7699  
Nellikuppam Fire And Rescue Services Station,  
Cuddalore District
7. V.Krishnan  
S/o. Veerappan,  
Leading Fireman 7622 ,  
Nellikuppam Fire And Rescue Services Station,  
Cuddalore District
8. R.Jaganathan  
S/o. Ranganathan,  
Upgrade Leading Fireman 7382 Cuddalore Fire  
And Rescue Services Station,  
Cuddalore District
9. S.Krishnasamy  
S/o. Sarkarai,  
Upgrade Leading Fireman 7605 Kazhugumalai  
Fire And Rescue Services Station,  
Thoothukudi District

..Petitioner(s)

Vs

1. The Secretary To Government,  
Home (Police XVII) Department,  
Fort St. George, Chennai 9
2. The Director General Of Police/Director,  
Fire And Rescue Services,  
No. 17 Rukmani Laxmipathi Street,  
Egmore Chennai 8
3. The Chairman,  
Tamil Nadu Uniformed Services Recruitment  
Board, Pantheon Road, Egmore Chennai 8

..Respondent(s)

**PRAYER**

Writ Petition is filed under Art. 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records of 2<sup>nd</sup> respondent in connection with impugned orders passed by him in (i) Na.Ka.No. 12638/ B1/ 2023-9 dated 24.07.2023 , (ii) Na.Ka.No. 12638/ B1/ 2023 dated 24.07.2023 , (iii) Na.Ka.No. 12638/ B1/ 2023- 21 dated 24.07.2023 , (iv) Na.Ka.No. 12638/ B1/ 2023- 18 dated 24.07.2023, (v) Na.Ka.No. 12638/ B1/ 2023- 33 dated 24.07.2023 , (vi) Na.Ka.No. 12638/ B1/ 2023- 7 dated 24.07.2023 , (vii) Na.uyKa.No. 12638/ B1/ 2023- 15 dated 24.07.2023 , (viii) Na.Ka.No. 12638/ B1/ 2023-5 dated 24.07.2023 (ix) Na.Ka.No. 12638/ B2/ 2023- 13 dated 24.7.2023 and quash the same and direct the respondents to restore seniority of the petitioners at par with those who were selected and appointed as Fireman and sent for training on 22.07.2001 and fix the seniority in the cadre of Fireman based on the marks secured by them in the process of selection made by the 3<sup>rd</sup> respondent and grant them all consequential services and monetary benefits.

For Petitioner(s): Mr.K.Venkatramani,  
Senior Advocate for  
Mr. M. Muthappan

For Respondent(s): Mr.R.V.Dinesh Raj Kumar,  
Addl. Govt. Pleader

**ORDER**

This Writ Petition has been filed challenging the impugned orders passed by the 2<sup>nd</sup> respondent dated 24.07.2023 and to quash the same and consequently directing the respondents to restore seniority of the petitioners at par with those



who were selected and appointed as Fireman and sent for training on 22.07.2001 and to fix the seniority in the cadre of Fireman based on the marks secured by them in the process of selection made by the 3<sup>rd</sup> respondent and grant them all consequential services and monetary benefits.

2. Mr.K.Venkatramani, learned Senior Counsel appearing for petitioners would submit that the petitioners are similarly placed persons claiming seniority at par with those who were selected along with them in a common recruitment for the post of Fireman in the Fire Services department during year 1999-2000. He would submit that the entire selection process was completed in the year 2000 itself and the Uniformed Services Recruitment Board published a list of 985 candidates, who are eligible for appointment as Fireman including the petitioners. As the infrastructure facilities are not available to train entire 985 selected candidates in a single batch, they were imparted basic training in two batches. The training for first batch of 330 candidates was commenced from 22.10.2001 and concluded on 21.01.2002. The training for second batch of 655 candidates was commenced on 01.12.2002 and thereafter, the petitioners training was completed. Subsequently, the appointment orders were issued on 30.11.2002. Whereas the first batch appointment orders were issued prior to the appointment date of petitioners and they were made to wait for more than a year. However, the selection of the first and second batch is the same notification and they have written examination and for want of infrastructure



facilities, the training for entire selected candidates, they divided into two batches. So, the different date of appointment orders issued for the petitioners ought not to deprive their seniority. Hence, they have claimed their seniority at par with their batchmates. In the meanwhile, the petitioners have made a representation dated 16.02.2022 to restore the seniority of the petitioners on par with those who were selected as Fireman from 22.10.2001. Since no order was passed on their representation, they have filed a Writ Petition in W.P.No. 8982 of 2021, wherein this court by an order dated 23.01.2025 issued a direction to fix their seniority. But, in fact, instead of considering their representation as per the prayer sought in the said Writ Petition, the 2<sup>nd</sup> respondent passed the impugned order as if the petitioner is claiming pension under the Old Pension Scheme and rejected the petitioners claim, which is amounting to non-application of mind. Hence, on that score, the impugned orders passed by the 2<sup>nd</sup> respondent are liable to be set aside and the matter may be remanded back to the 2<sup>nd</sup> respondent.

3. The learned Addl. Government Pleader appearing for respondents have filed a detailed counter, however, what are stated in the counter not revealed in the impugned order.

4. Heard both sides and perused the materials available on record.



5. On perusal of impugned order, it revealed that the petitioners have sought for old pension scheme, however, the prayer sought in the Writ Petition filed by respective petitioners is claiming seniority on par with their batchmates. But, without considering the same, the 2<sup>nd</sup> respondent passed the impugned order stating that the seniority would be fixed on the basis of marks obtained by the respective candidates. Such a prayer is not sought in this Writ Petition. In fact, they have made a representation to fix their seniority on par with their batchmates, who were selected and appointed on 22.10.2001 not based on the marks obtained by them. Instead of considering the prayer sought by the petitioners, they have stated that the seniority will be fixed on the marks obtained by them. Hence, on that score, the impugned orders passed by the 2<sup>nd</sup> respondent are set aside and the matter is remanded back to the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent is directed to peruse the prayer sought in this Writ Petition and the direction issued by this court. On that basis, the 2<sup>nd</sup> respondent is directed to pass appropriate orders on hearing the petitioners within a period of eight weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition stands allowed. No costs.

**17-12-2025**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No



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- To
1. The Secretary To Government  
Home (Police XVII) Department, Fort St. George, Chennai 9
  2. The Director General Of Police/Director,  
Fire And Rescue Services, No. 17 Rukmani Laxmipathi Street, Egmore  
Chennai 8
  3. The Chairman,  
Tamil Nadu Uniformed Services Recruitment Board, Pantheon Road,  
Egmore Chennai 8
  4. The Public Prosecutor, High Court, Madras.



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**M.DHANDAPANI J.**

**RPP**

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