



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 30264 & 30265 of 2014

&

MP Nos.1 to 3 of 30264 of 2014

&

MP Nos.1 to 3 of 30265 of 2014

1. A.S.Ponnusamy,

.....Petitioner in WP.No.30264 of 2014

2.K.Sekar

.....Petitioner in WP.No.30265 of 2014

Vs

1. The Director,

Tamil Nadu Fire and Rescue Services,
Greens Road, Chennai-6.

2.The Joint Director,

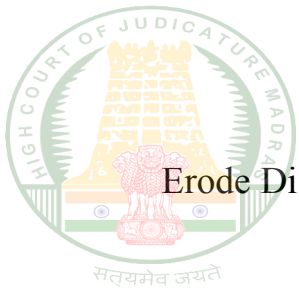
Tamil Nadu Fire and Rescue Services,
Western Region, Coimbatore-18.

3.The Divisional Officer,

Tamil Nadu Fire and Rescue Services,
Gandhiji Road, Erode.

4.A.Shanmugam,

(Leading Fireman 1225), Tamil Nadu
Fire and Rescue Services, Anthiyur,



Erode District.

WP No. 30264 & 30265 of 20



.....Respondent(s) in both Wps.

WEB PRAYER

The Writ Petitions have been filed seeking for issuance of a Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.1916/AA1/12 dated 28.01.2013 and consequential proceedings of the 1st respondent in Na.Ka.No.12265/Aaa-1/2014 dated 05.11.2014 in so far as 4th respondent is concerned and quash the same and direct the respondents to restore the seniority list of the petitioners above the 4th respondent in the cadre of Leading Fireman, as per seniority list published on 29.11.2011 and confer all consequential benefits(Prayer in both Wps)

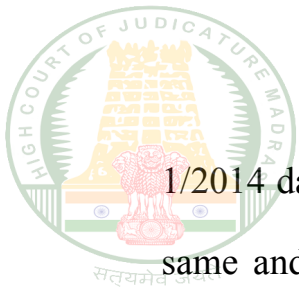
For Petitioner(s): M/s.V.Vijay Shankar

For Respondent(s): Mr.V.Veluchamy, AGP for R1 to R3

Mr.V.Venkataramani, Sr.Counsel
for M/s.M.Muthappan for R4

COMMON ORDER

The Writ Petitions have been filed seeking for issuance of a Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.1916/AA1/12 dated 28.01.2013 and consequential proceedings of the 1st respondent in Na.Ka.No.12265/Aaa-



1/2014 dated 05.11.2014 in so far as 4th respondent is concerned and quash the same and direct the respondents to restore the seniority list of the petitioners above the 4th respondent in the cadre of Leading Fireman, as per seniority list published on 29.11.2011 and confer all consequential benefits.

2.The issue that arise for consideration in both the Writ Petitions is one and the same and as such, they are taken up for consideration and are being disposed of by this common order.

3.The petitioners herein were appointed as Fireman on 14.11.1988 and 15.05.1987 respectively in Tamil Nadu Fire and Rescue Services, whereas the 4th respondent herein was appointed as Fireman on 14.11.1988. Thereafter, the petitioner in WP No.30264 of 2014 was promoted to the post of Leading Fireman on 04.01.2011, where as the petitioner in WP No.30265 of 2014 and the 4th respondent herein were promoted to the post of Leading Fireman on 05.11.2011.

4.In other words, the petitioner in WP No.30264 of 2014 was promoted to the post of Leading Fireman during the panel year 2010-2011 and whereas



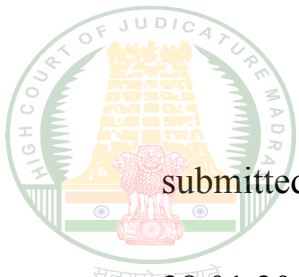
WEB COPY

the 4th respondent herein and the petitioner in the other Writ Petition were promoted during the panel year 2011-2012. It is an admitted fact that the 4th respondent herein was shown as junior to the petitioners herein in all the seniority list as well as "C" list of Leading Fireman fit for promotion to the post of Leading Assistant Station Officer/Station Officer. Whiles, the 4th respondent herein made a claim for promotion to the post of Senior Fireman on par with one Dhanasekaran and also approached this Court by filing WP No.10413 of 2009. The said claim of the 4th respondent herein in comparison with Mr.Dhanasekaran was negated by this Court by order dated 01.12.2009 dismissing the WP No.10413 of 2009. A Writ Appeal filed there of as against in W.A.No.382 of 2010 also came to be dismissed by the learned Division Bench of this Court by order dated 21.10.2011. It was only thereafter, the 4th respondent was promoted to the post of Leading Fireman on 05.11.2011. Thus., the claim made by the 4th respondent herein for promotion to the post of Leading Fireman/Senior Fireman on par with one Dhanasekaran was negated by this Court and the same was accepted by the 4th respondent herein. Whiles, at the instance of the 4th respondent herein, the second respondent /Deputy



WEB COPY

Director considered the claim of the petitioner once again on par with one Dhanasekaran and accepted the claim of the petitioner for fixing seniority in the post of Leading Fireman cadre. While considering the claim of the 4th respondent herein for seniority in the cadre of Leading Fireman, the 4th respondent came to the conclusion that the claim that was made by him on an earlier occasion by approaching this Court for seniority over and above one Dhanasekaran was not accepted by this Court as certain facts were not brought to the notice of this Court and accordingly, the second respondent herein proceeded to consider the claim made by the 4th respondent herein and granted the benefit of retrospective promotion to the 4th respondent herein to the post of Leading Fireman with effect from 05.03.2008, while restricting the monetary benefit from the actual date, on which the 4th respondent got promotion to the post of Leading Fireman i.e., 05.11.2011. Further, it was also observed that the antedated promotion, that was awarded in favour of the 4th respondent with effect from 05.03.2008 i.e., for the panel year 2007-2008, the seniority of any other individual could not get affected and as such, there is no necessity of issuing any show cause notice. It was at that stage, the petitioners herein having



WEB COPY

submitted various representations objecting for the proceedings dated 28.01.2013 and after coming to know about the case of the 4th respondent herein

being considered for further promotion to the post of Leading Assistant Station Officer through proceedings dated 14.11.2014, the petitioners have approached this Court by filing these Writ Petitions. Through impugned proceedings dated 28.01.2013, the 4th respondent herein was allowed the benefit of retrospective promotion with effect from 05.03.2008, though he was shown as a junior to the petitioners herein through out, right from the year 2011 onwards. Though it is stated that the seniority of any other candidates will not get affected by virtue of the retrospective promotion granted in favour of the 4th respondent herein, the case of the 4th respondent was proposed to be considered for promotion to the post of Leading Assistant Station Officer by duly taking into consideration the antedated date of promotion i.e., 05.03.2008 through proceedings dated 14.11.2014. Thus the interest of the petitioners herein is being adversely affected. If at all the second respondent is of the view that the 4th respondent herein was denied the benefit of promotion during the panel year 2007-2008, it is always open for the second respondent to consider the same, but after



WEB COPY

following the due process of law. As already noted above, the very same claim that was made by the 4th respondent was negated by this Court on two occasions. In spite of the same, the second respondent herein, who is fully aware of the orders passed by this Court has an audacity to say that the true facts are not placed before this Court and proceeded to grant the relief in favour of the 4th respondent, which was already declined by this Court. Even if, there is any justification for the second respondent to grant such relief in favour of the 4th respondent as is granted through the impugned proceedings, that can be done only after putting all the affected parties on notice.

5. In the instant case, the 4th respondent herein, who was always been treated as junior to the petitioners herein has been further promoted to the post of Station Fire Officer on 30.06.2015 and whereas the petitioner in WP No.30264 of 2014 was promoted to the said post only on 18.02.2019. Whereas, the petitioner in WP No.30265 of 2014 retired in the post of Leading Fireman on voluntary retirement on 31.10.2016 itself. Though the impugned proceedings dated 28.01.2013 says that the same will not have any effect on the seniority of



the other Officers like the petitioners, the same in fact adversely effected the interest of the petitioners herein. As the impugned proceedings dated 28.01.2013 came to be issued without complying with the principles of natural justice, the same cannot be sustained.

6. Accordingly, the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.1916/AA1/12 dated 28.01.2013 and consequential proceedings of the 1st respondent in Na.Ka.No.12265/Aaa-1/2014 dated 05.11.2014 in so far as 4th respondent is concerned, are hereby quashed leaving it open to the respondents to take appropriate action strictly in accordance with law.

7. The Writ Petitions are allowed to the extent as indicated above. No costs.

21-08-2025

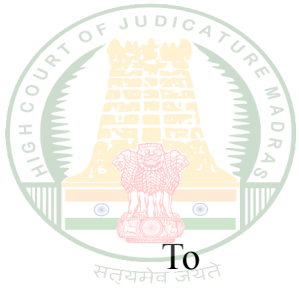
dn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

WEB COPY

1. The Director,
Tamil Nadu Fire and Rescue Services,
Greens Road, Chennai-6.
2. The Joint Director,
Tamil Nadu Fire and Rescue Services,
Western Region, Coimbatore-18.
3. The Divisional Officer,
Tamil Nadu Fire and Rescue Services,
Gandhiji Road, Erode.



WEB COPY

WP No. 30264 & 30265 of 20



MUMMINENI SUDHEER KUMAR, J.

dn

WP Nos. 30264 & 30265 of 2014

21-08-2025