

W.P.(MD) Nos.18434 & 18435 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 11.07.2025

Pronounced On : 18.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) Nos.18434 & 18435 of 2016

and

W.M.P. (MD) Nos.13272 to 13275 of 2016

G.Lakshmi Kanthan
S/o. A.Govindarajan,
No. 9, Rajam Nagar II-nd Street,
Kovalan Nagar,
Madurai District. ... Petitioner in W.P(MD)No.18434 of 2016

M.Balakrishnan,
S/o. Marichamy,
No.7, Maniraj Bhavanam,
N.G.O.Nagar,
Thirumangalam - 625 706,
Madurai District. ... Petitioner in W.P(MD)No. 18435 of 2016

Vs.

1. The State of Tamil Nadu
Represented by its Secretary,
Department of Home,
Fort St. George,
Chennai.

2. The Director General of Police/Director,
Fire & Rescue Services,
Rukmani Lakshmipathi Road,
Egmore, Chennai – 8. ...Respondents in both the Writ Petitions



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PRAYER in both W.P.s:

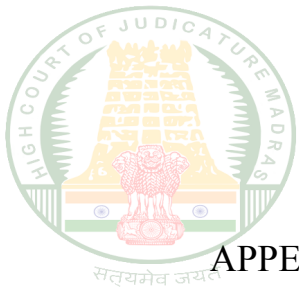
To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.24200/Aa3/2013-1 and in Na.Ka.No.24200/Aa3/2013-2 respectively dated 06.07.2016 on the file of respondent No.2 and quash the same as illegal and consequently direct the Respondents to promote the Petitioner to the Rank of Station Officer (Transport) with effect from 14.05.2012 within the time stipulated by this Court with consequential benefits from the date of the Government Order G.O. (Ms.) No. 352 dated 14.05.2012 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER IN W.M.P.(MD) Nos.13272 & 13274 of 2016:

To dispense with the production of the original copy the Impugned Order in Na.Ka.No.24200/Aa3/2013-1 and Na.Ka.No.24200/Aa3/2013-2 respectively dated 06.07.2016 on the file of respondent No.2 for the present and thus render justice.

PRAYER IN W.M.P.(MD) Nos.13273 & 13275 of 2016:

To pass an order of interim stay of operation of all further proceedings of the Impugned Order in Na.Ka.No.24200/Aa3/2013-1 and in Na.Ka.No.24200/Aa3/2013-2 respectively dated 06.07.2016 on the file of respondent No.2 pending disposal of the above Writ Petition and thus render Justice.



W.P.(MD) Nos.18434 & 18435 of 2016

APPEARANCE OF PARTIES:

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

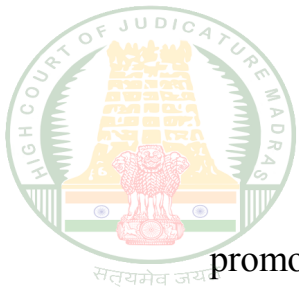
For Respondents : Mr.J.Ashok
Additional Government Pleader

COMMON JUDGMENT

Heard.

2. The petitioners in both writ petitions are retired Driver Mechanics in the Tamil Nadu Fire and Rescue Services Department. They challenge the impugned orders dated 06.07.2016 rejecting their representations for promotion to the post of Station Officer (Transport), and seek a direction to grant such promotion with effect from 14.05.2012 pursuant to G.O. (Ms.)No. 352, Home (Police-XVII) Department, dated 14.05.2012, together with all consequential benefits.

3. Both petitioners were originally appointed as Firemen on 29.12.1980. The petitioner in W.P. (MD) No. 18434 of 2016 was subsequently promoted as Driver Mechanic on 16.05.2012 and retired on 30.09.2013. The petitioner in W.P. (MD) No. 18435 of 2016 was



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promoted as Driver Mechanic on 31.03.2012 and retired on 30.06.2012.

Their claim is rooted in G.O. Ms. No. 352, which upgraded 165 posts of Driver Mechanic to Station Officer (Transport) to address cadre stagnation.

4. The petitioners contend that under the terms of the Government Order, promotions were to be considered on the basis of seniority reckoned from the initial appointment as Fireman. They allege that the Department, in disregard of this principle, drew the promotion panel based on seniority among Driver Mechanics alone, which excluded them from consideration. Their representations to rectify this omission were rejected on the ground that they had served only for a short duration in the Driver Mechanic post before superannuation, and that others senior to them in that cadre were pending consideration.

5. The respondents oppose the writ petitions, primarily on five grounds:

(i) that the petitions were filed nearly three years after the petitioners retired, and are thus barred by delay and laches;



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(ii) that the petitioners were not within the zone of consideration when the relevant promotion panel was drawn;

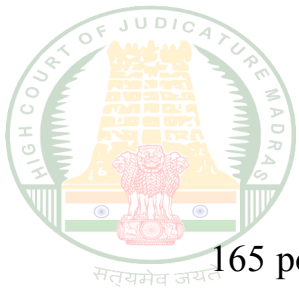
(iii) that seniority had to be assessed within the feeder category of Driver Mechanics, as per service rules;

(iv) that promotion is not a matter of right and depends on eligibility and vacancy; and

(v) that retrospective promotion or notional financial benefits post-retirement are impermissible in the absence of active consideration, relying on *Government of West Bengal v. Dr. Amal Satpathi*, reported in **2024 SCC OnLine SC 3512**.

6. The principal issue thus arising is whether the petitioners, who had only recently been promoted as Driver Mechanics and retired within a year thereafter, were entitled to be considered for promotion to Station Officer (Transport) solely on the basis of their original appointment as Fireman, in light of G.O. (Ms.) No. 352 dated 14.05.2012.

7. A close reading of G.O.(Ms.)No. 352 reveals that it was introduced as a remedial measure to address the long-standing stagnation in the Driver Mechanic cadre. The order sanctioned the upgradation of

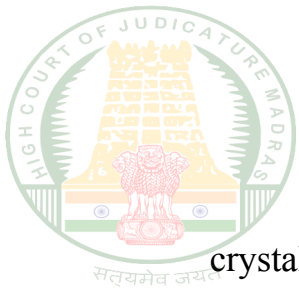


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165 posts of Driver Mechanics to Station Officer (Transport) and referred to the seniority of Firemen only in the context of explaining the systemic delay in career advancement. Crucially, the G.O. did not expressly amend the existing service rules, nor did it prescribe a new method for preparing the promotion panel. The existing rules recognize Driver Mechanic as the feeder category for the promotional post in question.

8. It is trite law that promotions must be made in accordance with the rules in force at the relevant time. The fact that the G.O. aimed to provide relief does not by itself amount to a substitution of the applicable seniority criteria under the rules. If Fireman seniority alone were to be taken as the basis for promotion to Station Officer (Transport) without reference to the immediate feeder category, it would not only run afoul of the rules, but also result in considerable administrative uncertainty.

9. Therefore, the respondents' decision to prepare the promotion panel on the basis of Driver Mechanic seniority cannot be said to be arbitrary or illegal. On the date of panel preparation, both petitioners had only recently entered the Driver Mechanic cadre and were not within the zone of consideration. No accrued or vested right to promotion had



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crystallized in their favour during service. Their claim for notional promotion post-retirement thus lacks foundation in law.

10. The legal position on this issue is well settled. In ***Government of West Bengal v. Dr. Amal Satpathi***, reported in ***2024 SCC OnLine SC 3512***, the Hon'ble Supreme Court held that retrospective or notional promotions post-retirement cannot be granted unless the employee was actively under consideration and had been found fit before superannuation. In the present case, there was no such consideration. The petitioners did not even complete eligible service as Driver Mechanics prior to retirement and were never part of the zone of consideration under the applicable list.

11. In view of the foregoing discussion, the petitioners' reliance on Fireman seniority as a standalone basis for promotion is misconceived. The G.O. cannot be read in isolation from the governing rules, and in the absence of a specific statutory override or panel consideration during service, the petitioners' claim for post-retirement notional promotion cannot be entertained.



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12. Accordingly, these Writ Petitions are dismissed as devoid of merit. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

18.07.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

To

1.The Secretary,
Department of Home,
Fort St.George,
Chennai.

2. The Director General of Police/Director,
Fire & Rescue Services,
Rukmani Lakshmipathi Road,
Egmore, Chennai – 8.



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DR. A.D. MARIA CLETE, J.

LS

Pre-deliver Judgments made in
W.P. (MD) Nos.18434 & 18435 of 2016
and
W.M.P. (MD) Nos.13272 to 13275 of 2016

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