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*W.P.(MD)Nos.25187 & 25191 of 2019*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2025

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THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)Nos.25187 & 25191 of 2019

W.P.(MD)No.25187 of 2019

1.P.Dhasarathan (Died)

2.Muneeswari

3.D.Rajeswari

4.D.Bhuvaneswari

...Petitioners

(Petitioners 2 to 4 are substituted vide Court order dated 28.08.2024 in W.M.P.(MD)No.12932 of 2020 in W.P.(MD)No.25187 of 2019)

vs.

1.The Director of Fire and Rescue Services,  
No.12, Rukmani Lakshmipathi Road,  
Egmore, Chennai - 600 008.

2.The Deputy Director of Fire and Rescue Services Department,  
Southern Region, Madurai.

3.The Divisional Fire Officer,  
Fire & Rescue Service Department,  
Ramanathapuram Division,  
Ramanathapuram District.

4.The Station Fire Officer,  
Paramakudi Fire & Rescue Station,  
Paramakudi, Ramanathapuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying



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to issue a Writ of Mandamus directing the respondents 1 to 3 to grant notional promotion to the petitioner in the post of leading Fireman w.e.f. 25.10.2009, the date on which his junior Mr.D.Jeyachandran was promoted and also grant notional promotion to the petitioner in the post of Station Fire Officer from the date on which his immediate junior was promoted, at least on par with Mr.V.Ganesan who was promoted on 31.01.2018 and consequently grant all monetary benefits including re-fixation of pay and pension with retrospective effect from the date of promotion and pay all consequential arrears and other benefits.

W.P.(MD)No.25191 of 2019

S.K.L.Lakshmikaandan

...Petitioner

vs.

1.The Director of Fire and Rescue Services,  
No.12, Rukmani Lakshmipathi Road,  
Egmore, Chennai - 600 008.

2.The Deputy Director of Fire and Rescue Services Department,  
Southern Region, Madurai.

3.The Divisional Fire Officer,  
Fire & Rescue Service Department,  
Sivagangai Division,  
Sivagangai District.

4.The Station Fire Officer,  
Fire & Rescue Station,  
Thirupathur, Sivagangai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 to 3 to grant



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notional promotion to the petitioner in the post of leading Fireman w.e.f. 25.10.2009, the date on which his junior Mr.D.Jeyachandran was promoted and also grant notional promotion to the petitioner in the post of Station Fire Officer from the date on which his immediate junior was promoted, at least on par with Mr.V.Ganesan who was promoted on 31.01.2018 and consequently grant all monetary benefits including re-fixation of pay and pension with retrospective effect from the date of promotion and pay all consequential arrears and other benefits.

In both cases,

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.J.Ashok,  
Additional Government Pleader

**ORDER**

Both the Writ Petitions have been filed seeking retrospective promotion to the post of Leading Fireman with effect from 25.10.2009 and to the post of Station Fire Officer with effect from 31.01.2018.

2. Heard both sides.

3. Since the petitioner in W.P.(MD)No.25187 of 2019, namely, P.Dhasarathan died pending this Writ Petition, his legal representatives are substituted as petitioners 2 to 4.

4. The learned counsel appearing for the petitioners would submit that Mr.Dhasarathan (deceased) / petitioner in W.P.(MD)No.25187 of 2019 and



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Mr.Lakshmikaandan / petitioner in W.P.(MD)No.25191 of 2019 were appointed in the services of the Fire and Rescue Department on 15.02.1991.

Mr.Dhasarathan was promoted to the post of Leading Fireman on 01.07.2011 and Mr.Lakshmikaandan was promoted to that post on 31.01.2012. After attaining superannuation, Mr.Dhasarathan retired on 31.10.2018 and Mr.Lakshmikaandan retired on 30.11.2018. The main ground urged by the learned counsel is that the petitioners' junior one Mr.Jeyachandran was granted notional promotion to the post of Leading Fireman on 25.10.2009. Therefore, the petitioners must also be given notional promotion in the post of Leading Fireman with effect from 25.10.2009.

5. At this juncture, the learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the petitioners are seeking notional promotion from the year 2009 on par with their junior, who was granted notional promotion to the post of Leading Fireman on 25.10.2009. It is his specific submission that challenge to such promotion after a lapse of 10 years is not acceptable and if the petitioners' prayer is considered, it would have impact upon the Seniority List. Hence, he prayed to dismiss the Writ Petitions.

6. I have given due consideration to the submissions made on either sides.



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7. As rightly submitted by the learned Additional Government Pleader, while looking at the prayer, the petitioners seek retrospective promotion with effect from 25.10.2009 on the ground that one Mr.Jeyachandran, junior to the petitioners was promoted on that date. The present Writ Petitions were filed in the year 2019 and they have not challenged the promotion of Mr.Jeyachandran for more than a decade. Even the present Writ Petitions have been filed only after the superannuation of the petitioners in the year 2018. There would be Seniority List from the year 2009 and hence, interfering with the same by directing the respondents to grant retrospective promotions to the petitioners would definitely affect the settled Seniority List and this Court is not inclined to do so.

8. Apart from that, the learned Additional Government Pleader would submit that in respect of promotion to the post of Station Fire Officer, there was a seniority dispute before this Court in W.P.Nos.16219 & 28407 of 2018 and after filing of Contempt in the above Writ Petitions, the Government has taken a policy decision to issue State-wide Seniority List and vide G.O. (Ms)No.179, Home (Police-XVII) Department, dated 20.03.2019, the Government has accepted for an amendment to the Service Rules to have a State-wide Seniority List. In pursuance thereof, State-wide Seniority List was published on 07.04.2020. Therefore, the prayer sought for by the petitioners



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in regard to the notional promotion to the post of Station Fire Officer on par with their junior one Mr.V.Ganesan cannot be considered at this length of time because in W.P.Nos.16219 & 28407 of 2018, this Court has directed the respondents therein not to revert the employees already working in the cadre of Leading Fireman on account of the revision of the State-wide Seniority List. It is his further contention that the petitioners belong to Ramanathapuram and Sivagangai Districts. Therefore, they cannot seek parity with those who were appointed in other Districts and got promotion at an earlier point of time. I am in full agreement with the above submission.

9. In view of the above detailed discussions, this Court is of the view that there are no grounds to grant the reliefs as sought for by the petitioners. In the result, the Writ Petitions are dismissed. No costs.

**21.11.2025**

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

*mbi*

To

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No.12, Rukmani Lakshmipathi Road,  
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2.The Deputy Director of Fire and Rescue Services Department,  
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C.KUMARAPPAN, J.

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