

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A.No.1605 of 2014
and M.P.No.1 of 2014

1. The Principal Secretary to Government
Home (Pol.2) Department
Secretariat, Fort St. George
Chennai - 600 009
 2. The Director General of Police
Chennai - 600 004
 3. The Deputy Superintendent of Police
Civil Supplies CID
Villupuram
 4. The Inspector General of Police
Civil Supplies CID
Nandanam, Chennai - 600 035
 5. The Vigilance Commissioner
Tamil Nadu State Vigilance Commission
Chennai
- Appellants

Vs.

I. Kader Batcha

Respondent

Writ Appeal filed against the interim order dated 28-11-2013 made in M.P.No.2 of 2013 in W.P.No.31912 of 2013. Writ Petition filed under Article 226 of the Constitution of India. Writ Petition praying to calling for the records of the Charge Memo in P.R. No.2/2004 dated 5.5.2004 U/r. 3(b) as the direction issued by this Honourable Court in W.P.No.29642/04 dated 26.6.2013 is not complied with and the Charge Memo in P.R.No.6/2007 dated 13.11.2007 pending on the files of the 3rd and 4th respondents respectively quash the same and consequentially direct the respondents 1 & 2 to grant promotion to the petitioner with all attendant benefits in terms of the amendment dated 1.10.1999 carried to the Proviso to Paragraph 4 II (2) of Lr.Ms.No.248 P&AR.(S) Dept. dated 20.10.97 with effect from the date of promotion of the petitioners junior placed at

Sl.No.62 of the G.O.(Ms).No.504 dated 29.6.2009 issued by the 1st respondent in WP.31912/2013.

For appellants Mr. N. Sakthivel, GA
For respondents Mr. A. Singaravelan
for M/s. Ahmad Associates

ORDER

(Order of the Court is made by SATISH K. AGNIHOTRI,J.)

With the consent of both the parties, the appeal is taken up for final disposal.

2. Challenge in this intra-court appeal is to the order dated 28-11-2013, wherein, according to the learned counsel for the appellants, a positive direction has been issued to consider the case of the respondent herein for empanelment for the post of Deputy Superintendent of Police after observing that there should not be any impediment for the appellants to promote the respondent temporarily as Deputy Superintendent of Police under Rule 39(d) of the Tamil Nadu State and Subordinate Service Rules, 1955, within a period of eight weeks from the date of receipt of a copy of the order.

3. On a perusal of the impugned order, it appears that the same has been passed at the admission stage itself, at the time of issuing notice.

4. After hearing the learned counsel appearing for the parties, we are of the considered opinion that the interest of justice would subserve, if the interim order is made subject to the final outcome of the pending writ petition.

5. The writ appeal is disposed of accordingly. The connected miscellaneous petitions is closed.

glp

-s/d-

Assistant Registrar(CO)

Dt:27/1/2015

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary to Government
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Chennai - 600 009

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Chennai

+ 1 cc to M/s.Ahmed Associates, Advocate SR 645

mg(co)
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