

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.Nos.682 to 688 of 2016

M.Baskaran ... Appellant/3rd Respondent in
all the writ appeals

-vs-

T.Annadurai ... 1st Respondent/Petitioners in
W.A.No.682 of 2016
B.Pandian ... 1st Respondent/Petitioners in
W.A.No.683 of 2016
K.Anandan ... 1st Respondent/Petitioners in
W.A.No.684 of 2016
A.S.Lakshmi ... 1st Respondent/Petitioners in
W.A.No.685 of 2016
K.Nirmala ... 1st Respondent/Petitioners in
W.A.No.686 of 2016
B.Vijayalakshmi ... 1st Respondent/Petitioners in
W.A.No.687 of 2016
K.C.Amirtharaju ... 1st Respondent/Petitioners in
W.A.No.688 of 2016

The Director of Rural Development
& Panchayat Raj Department
Panagal Buildings, Saidapet
Chennai-15 ... 2nd Respondent/1st Respondent
in all the writ appeals

The District Collector
Tiruvannamalai District
Tiruvannamalai ... 3rd Respondent/2nd Respondent
in all the writ appeals

Appeals under Clause 15 of the Letters Patent, against the
orders dated 06.04.2016 and 12.04.2016 made in W.M.P.Nos.11208,
11411, 11413, 11415, 11417, 11419, 11421 of 2016 in
W.P.Nos.12809, 13073, 13074, 13075, 13076, 13077, 13078 of 2016.

Writ petitions under Article 226 of the Constitution of India
praying that in the circumstances stated therein and in the
respective affidavits filed therewith the High Court will be

pleased to issue a Writ of Certiorari

i) Calling for the records on the file of the 1st respondent in Na.Ka. No. 56398/ 2008/ C1 dated 28.12.2015 and the orders of the 2nd Respondent in Na.Ka. 15953/ 2015/ PA3-1 dated 24.03.2016 Na.Ka.15953/ 2016/ PA3-2 dated 24.03.2016 and Na.Ka. 15953/ 2016/ PA3-3 dated 24.03.2016 and all consequential orders and quash the same in so far as it relates to the Petitioner(in WP.12809/2016) and

ii) To grant interim stay of the operation of the impugned orders passed by the 2nd Respondent in Na.Ka. No. 15953/ 2015/PA3-1 dated 24.03.2016 Na.Ka. 15953/ 2016/ PA3-2 dated 24.03.2016 and Na.Ka.15953/ 2016/ PA3-3 dated 24.03.2016 in so far as it relates to the petitioner herein(in WMP 11208/2016) pending disposal of the Writ Petition.

i) Calling for the records on the file of the 1st respondent in Na. Ka. No. 56398/2008/C1 dt 28.12.2015 and the orders of the 2nd respondent in Na. Ka. No. 15953/2015/PA3-1 dt 24.3.2016 Na. Ka. 15953/2016/PA3-2 dt 24.3.2016 and Na. Ka. 15953/2016/PA3-3 dt 24.3.2016 and all consequential orders and quash the same in so far as it relates to the petitioner(in WP.Nos.13073 to 13078/2016) and

ii) to grant interim stay of the operation of the impugned orders passed by the 2nd respondent in Na. Ka. No. 15953/2015/PA3-1 dt 24.3.2016 Na. Ka. 15953/2016/PA3-2 dt 24.3.2016 and Na. Ka. 15953/2016/PA3-3 dt 24.3.2016 in so far as it relates to the petitioner herein (in WMP.Nos.11411,11413,11415,11417,11419 & 11421/2016)

For Appellant :: Mr.K.S.Viswanathan

For Respondents:: Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R2 & R3

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

The appellant herein, being aggrieved by the interim order of stay until further orders granted by the learned single Judge in respect of the revised seniority list for promotion to the post of Assistant/Rural Welfare Officer Grade-I/Accountant pertaining to the years 1997-98, 1998-99, 1999-2000 & 2000-2001, has brought these writ appeals.

2. It appears that in connection with the fixation of seniority, when the writ petitions were filed by each of the

first respondent herein, who are the writ petitioners, according to the appellant, who is the contesting respondent in the writ petitions, without disclosing the fact of seniority list being prepared by the Government, such an interim order had been obtained. Accordingly, the learned counsel for the appellant sought to suspend the interim order granted until further orders and to direct the learned single Judge to deal with the matter.

3. Heard the learned Special Government Pleader taking notice on behalf of the respondents 2 & 3. The learned Special Government Pleader also has been directed to appear by the department and to file the counter affidavit defending the seniority list prepared and also it is submitted by the learned counsel for the appellant that so far, no such objection has been filed by the concerned affected persons to the seniority list prepared, muchless all the persons who are affected by the order have not been impleaded in the writ petitions.

4. Before the learned single Judge, each of the first respondent herein/writ petitioner therein, while challenging the proceedings issued by the Director of Rural Development and Panchayat Raj Department in Na.Ka.No.56398/2008/C1 dated 28.12.2015 and the orders passed by the District Collector, Tiruvannamalai District in Na.Ka.No.15953/2015/PA3-1 dated 24.03.2016; Na.Ka.No.15953/2016/PA3-2 dated 24.03.2016; Na.Ka.No.15953/2016/PA3-3 dated 24.03.2016 and all the consequential orders and to quash the same insofar as it relates to the writ petitioners, sought for the grant of interim stay of operation of the aforesaid impugned orders.

5. However, since the appeals have been preferred only against the interim order, we direct the appellant to bring it to the notice of the learned single Judge about the suppression of the seniority list prepared before obtaining the interim order, muchless before filing the writ petitions and also it is open to the appellant herein to urge the writ petitioners to make all the persons, who are likely to be affected by the interim order and any consequential order to be passed, to be brought on record as necessary parties to the writ petitions. Further, when the appeals are premature to be entertained at this stage, as we feel that upon convincing the learned single Judge, the interim order may be vacated or appropriate orders may be passed even at that stage after hearing the parties or on the counter affidavit being filed by the official respondents, the writ petitions themselves may be taken up and disposed of once and for all and the issues may be thrashed out by giving a quietus, we direct the appellant to exhaust his remedy before the learned single Judge by placing the seniority list and other grounds and also expressing the fact of non-impleading of several other persons who are likely to be affected by the grant of interim order, muchless final order. With the above

observation, all the writ appeals are disposed of. Consequently, C.M.P.Nos.9035 to 9041 of 2016 are closed. No costs.

Registry is directed to list the writ miscellaneous petitions along with the writ petitions before the learned single Judge next week and the official and contesting respondents shall file the counter affidavits at the earliest.

-s/d-

Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

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To

1. The Director of Rural Development
& Panchayat Raj Department
Panagal Buildings, Saidapet
Chennai 600 015
2. The District Collector
Tiruvannamalai District
Tiruvannamalai

W.A.Nos.682 to 688 of 2016

jsv(co)
aa22/06/2016

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