

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 5.9.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1005 of 2017
and
C.M.P.No.14184 of 2017

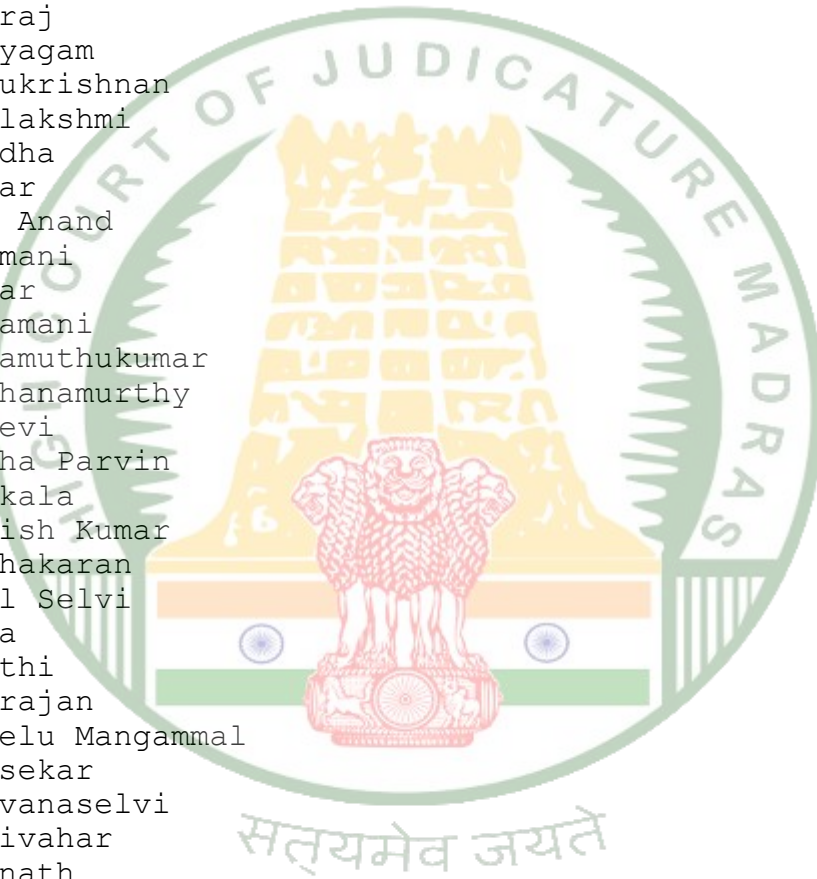
1 M.Hema
2 N.Kavitha
3 V.Shri Guhan
4 A.Joanna Jacinth
5 D.Danusri
6 S.Sivashankar
7 P.Banu
8 S.Rajarathinam
9 G.Sathiya
10 R.Manivasagam
11 S.Vinayagam
12 R.Sastri
13 M.Senthil Appellants

Versus

1 The Government of Tamil Nadu
Rep by its Secretary
Personnel and Administrative
Reforms Department
Secretariat Chennai-600 009

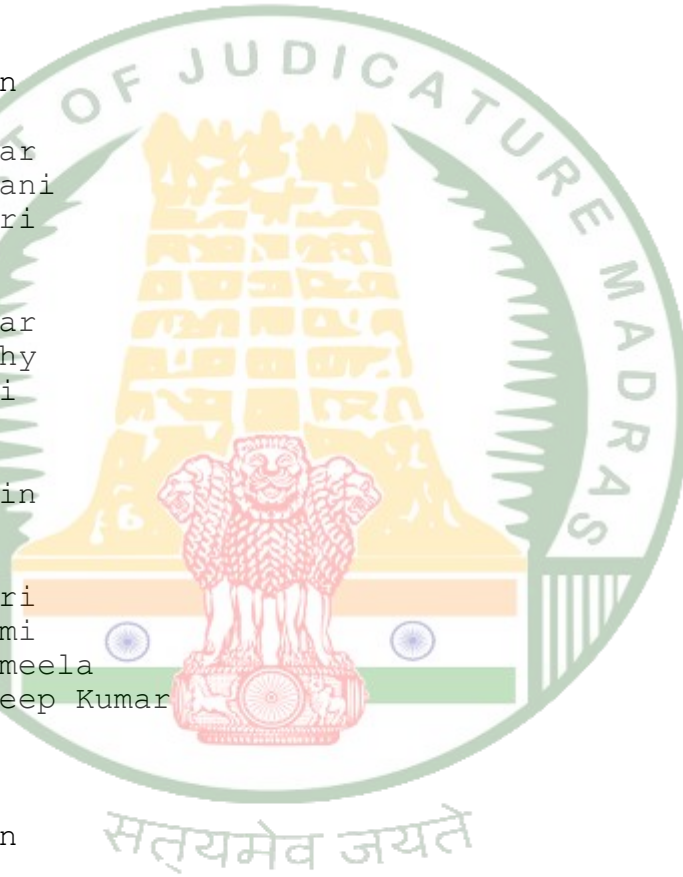
2 O.M.Mahalakshmi
3 P.Viola Bai
4 S.Sakthivel
5 N.Bhavani
6 P.Jagadish
7 T.Marimuthu
8 M.Senthilkumar
9 A.Gowri
10 R.Sulochana
11 N.Balusamy
12 K.Sumathi
13 R.Chithra
14 R.Vijayakumar
15 K.Kavitha
16 S.Divya
17 R.Karukkuvel Raja
18 V.Manogari

19 R.Amutha
20 N.Saravanan
21 D.M.Sudha
22 N.Velu
23 V.Prema
24 T.Sabanayagam
25 R.Jayasubramaniam
26 S.Parameshwari
27 S.P.Ramprasad
28 C.Kuppusamy
29 T.Sasikala
30 R.Vinoth
31 R.Kamaraj
32 J.Vinayagam
33 K.Sennukrishnan
34 G.Rajalakshmi
35 M.K.Radha
36 P.Sankar
37 J.Prem Anand
38 T.Arulmani
39 A.Sankar
40 T.Dhavamani
41 A.Veeramuthukumar
42 N.Dakshanamurthy
43 N.Sridevi
44 M.Ajitha Parvin
45 T.Sasikala
46 B.Sathish Kumar
47 S.Prabhakaran
48 P.Tamil Selvi
49 R.Latha
50 A.Revathi
51 R.Nagarajan
52 S.Alamelu Mangammal
53 D.Rajasekar
54 G.Saravanaselvi
55 S.R.Dhivahar
56 V.Amarnath
57 S.Suresh
58 G.Abarna
59 B.Sangeetha
60 S.Parvin Banu
61 R.Parthasarathy
62 V.Kasivel
63 M.Sailaja
64 L.Elango
65 R.Baskar
66 A.Vijayraj
67 T.K.Porchelvi
68 P.Venmani
69 M.Sundararajan
70 P.Elavarasan
71 P.Saravanan



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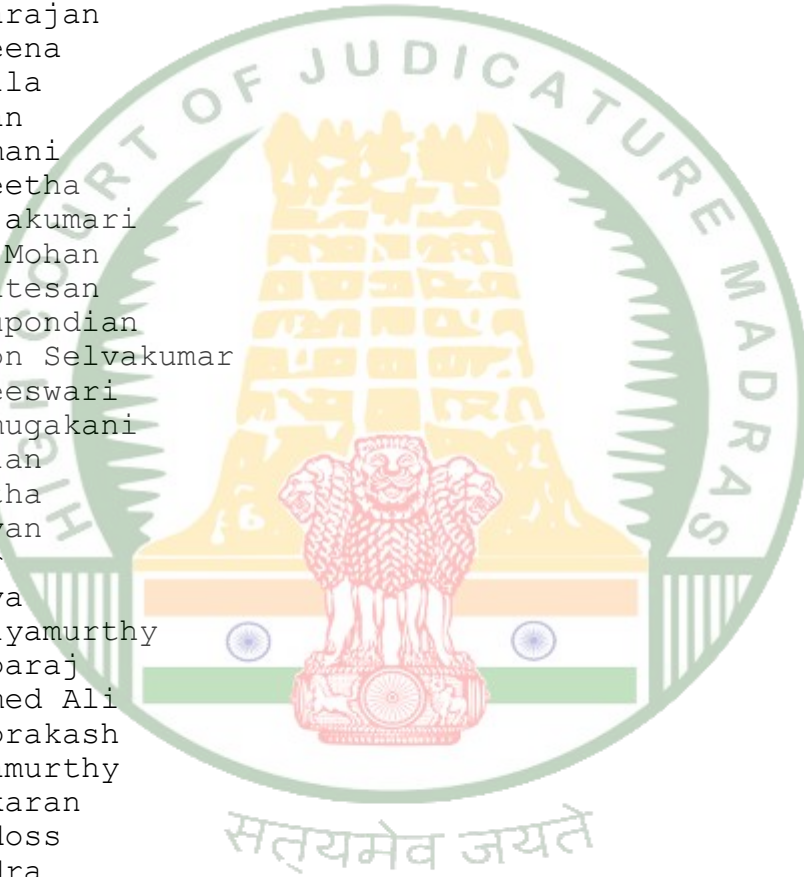
72 B.Muniraj
73 G.Usharani
74 A.Petchi
75 P.Vasantha Kumar
76 S.Kamala Devi
77 V.Ramya
78 A.Malathy
79 S.Thamaraikannan
80 P.Ganesan
81 R.Priya
82 V.Sasikumar
83 P.Murugan
84 M.Manogaran
85 T.N.Balakumar
86 R.Ramakrishnan
87 R.Pandurangan
88 P.Ranjith Kumar
89 K.R.Mathivadhani
90 P.Umamaheshwari
91 S.Divya
92 S.Tamilvendan
93 E.Praveen Kumar
94 K.P.Agoramurthy
95 C.Parameshwari
96 P.Mahendran
97 K.Thangavel
98 A.Ann Evangelin
99 S.Thiagarajan
100 V.Selvam
101 P.Umamaheshwari
102 S.Vijayalakshmi
103 S.Mohammed Jameela
104 C.Vimal Pratheep Kumar
105 K.Vanitha
106 A.Gopinath
107 B.Kavitha
108 V.Pugazharasan
109 M.Sudha
110 P.D.Rammohan
111 M.Sreelathanjani
112 S.Meenakshi
113 N.Ravikumar
114 M.Sahadevan
115 R.Dhanasekaran
116 K.S.Ananth Prakash
117 V.Radha Krishnan
118 M.Mahendrakrishnan
119 R.Nambi Nachiyar
120 C.Boopalan
121 V.Marimuthu
122 S.Mahesh
123 S.Shanthi
124 S.R.Meha



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125 S.Mohana Priya
126 N.Palaniyammal
127 V.Menaka
128 E.Parameshawari
129 C.Suguna Devi
130 C.Vijayalakshmi
131 S.Kiruthiga
132 L.Vanitha
133 S.Savithiri
134 S.Savitha
135 E.Gothandan
136 K.Vengatesan
137 P.Kavitha
138 N.Damodharan
139 B.Banu Priya
140 G.Marudhu Pandian
141 S.Anbu
142 R.M.K.Vengatesan
143 K.Ayyasamy
144 P.Saravanan
145 N.Sibi
146 N.Vivarajan
147 K.Anbazhagan
148 V.Thirumalai Rajan
149 M.Kalaiarasi
150 R.Murugesan
151 K.Paul Pandian
152 E.Rajakumari
153 S.Dharmaraj
154 K.Paldurai
155 K.Vadivelu
156 N.Kulandaisamy
157 D.Anandan
158 R.Rajakumar
159 S.Saminathan
160 R.Sekar
161 C.Ramesh
162 A.B.Uma Maheshwari
163 S.Kalpana
164 R.Rengan
165 S.Mohammed Yusuf
166 J.Vijayakumar
167 S.Praba
168 T.Kavitha
169 M.D.Stalin Bharathiraj
170 T.Prema Rani
171 L.Prasad
172 E.Santhana Lakshmi
173 R.Jeeva
174 S.Prabhakar
175 V.Sivakumar
176 G.Anandan
177 M.Sakthivel

178 D.Sivakumar
179 T.Venkatesan
180 V.Prasanth
181 K.Sangeetha
182 A.Ravi
183 A.Selvam
184 M.Piramathevan
185 A.V.Jaiganesan
186 G.Satheesh Kumar
187 S.Subhasini
188 N.Gunalan
189 K.Vellaidurai
190 A.Sundarajan
191 M.Praveena
192 D.Vennila
193 T.Selvan
194 S.Anbumani
195 J.Sangeetha
196 M.P.Rajakumari
197 M.Syed Mohan
198 A.Venkatesan
199 V.Muthupondian
200 H.Jaison Selvakumar
201 S.Pandeeswari
202 M.Shanmugakani
203 G.Kogilan
204 D.Kavitha
205 V.Vijayan
206 S.Kumar
207 N.Vidhya
208 N.Sathiyamurthy
209 A.Pushparaj
210 A.Mohamed Ali
211 P.Jeyaprakash
212 V.Kaliamurthy
213 P.Manokaran
214 T.Kalidoss
215 S.Chandra
216 K.Sureshkanna
217 P.Usha
218 G.Mohanavalli
219 M.Senthil Kumar
220 U.Raman
221 C.Vasudevan
222 G.Suresh
223 K.Punithan
224 V.R.Revathi
225 P.R.Kadhar Mohideen
226 M.S.Sathish Kumar
227 S.Arunachalam
228 T.Vallikannan
229 P.Muthukumar
230 K.Arun



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231 G.Damodaran
232 G.Moorthy
233 G.Dayalan
234 P.Saravanan

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 2.8.2017 passed in W.M.P.No.35877 of 2016 in W.P.No.41887 of 2016 on the file of this court.

W.M.P.No.35877 of 2016 : Petition to grant an interim injunction restraining the 1st Respondent from approving any panel of ASOs fit for promotion to the category of Section Officer in Tamilnadu Secretariat Departments under the 1st Respondent including therein the ASOs who are juniors to the petitioners and arraigned as respondents 2 to 234 herein, pending disposal of this Writ Petition.

W.P.No.41887 of 2016 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent relating to the issue of impugned orders, viz., G.O.Ms. No.111 Personnel and Administrative Reforms (U) Department dated 11.11.2016 G.O. (4D) No. 32 Personnel and Administrative Reforms (U1) Department dated 19.5.2015 and G.O. (4D) No.33 Personnel and Administrative Reforms (U1) Department dated 19.5.2014 and quash the same and consequently direct the 1st respondent to redraw the panel of Assistants fit for promotion to the category of ASO for the year 2009-10 including therein the petitioners; to regularise the services of the petitioners in the category of ASO with effect from 10.12.2009 the date from which they were working temporarily, on par with juniors, namely respondents 2 to 29, and to redraw the seniority list of ASOs following the quota-rota prescribed under the rule 8 of Tamilnadu Secretariat Services Rules containing therein all the names of ASOs working as on date with required service particulars, viz., date of birth, date of joining, method of appointment, etc., after publishing a provisional seniority list seeking objections and after considering the objections if any received therefor.

For Appellants : Mr.N.Subramaniyan

For R1 : Mr.K.Venkatramani,
Additional Advocate General
assisted by
Mr.V.Jayaprakash Narayanan,
Special Government Pleader

JUDGMENT

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

Heard the learned counsel appearing for the appellants and the learned Additional Advocate General on the order passed by the learned Single Judge vacating the interim order already passed.

2. It appears from the submissions made that these appellants and respondents 2 to 29 were appointed during the year 2007 as Assistants, thereafter, these appellants were promoted alongwith other respondents as Assistant Section Officers and thereafter, it appears that to the disadvantage of these appellants, respondents 2 to 29 were said to have been promoted as Section Officers. Whiles, when the matter was taken up by the learned Single Judge the order of interim stay enjoyed by the appellants herein was vacated and hence, they have come up with the present writ appeal.

3. On the other hand, the stand of the Government, as submitted by the learned Additional Advocate General is that since the interim order was stalling the promotion of various vacancies, the order of stay was sought to be vacated.

4. However, the grievance of the appellants is that they are senior to respondents 2 to 29 and there is personal discrimination in the matter of giving promotion under the pretext of filling up the vacancies, but, that was not properly considered by the learned Single Judge. It is further submitted that there is a likelihood of some more persons getting promotion, who are also juniors to the appellants and hence, the appellants seek indulgence of this court.

5. Be that as it may, the present writ appeal is filed challenging the order vacating the interim stay that was stalling various promotions. Therefore, there is no meaning in keeping the appeal pending for a long period, rather, in view of the submission made by the learned Additional Advocate General, promotions, if any effected, would be subject to the result of the writ petition, we are of the view that the promotions given to the promotees in the present case would be only subject to the outcome of the main writ petition. Their contentions as well as the contentions of the appellants will have to be adjudicated in the main writ petition. The promotions given now would be in the nature of temporary ones and it would not take away the rights of the appellants, if they are senior to the present promotees and their rights would be protected in accordance with law.

6. With the above observation, we make it clear that it is for the learned Single Judge to take up the main case of the

appellants as well as the respondents who have been promoted to the prejudice of these appellants, on priority basis, after giving notice to all the parties concerned. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

ssk.

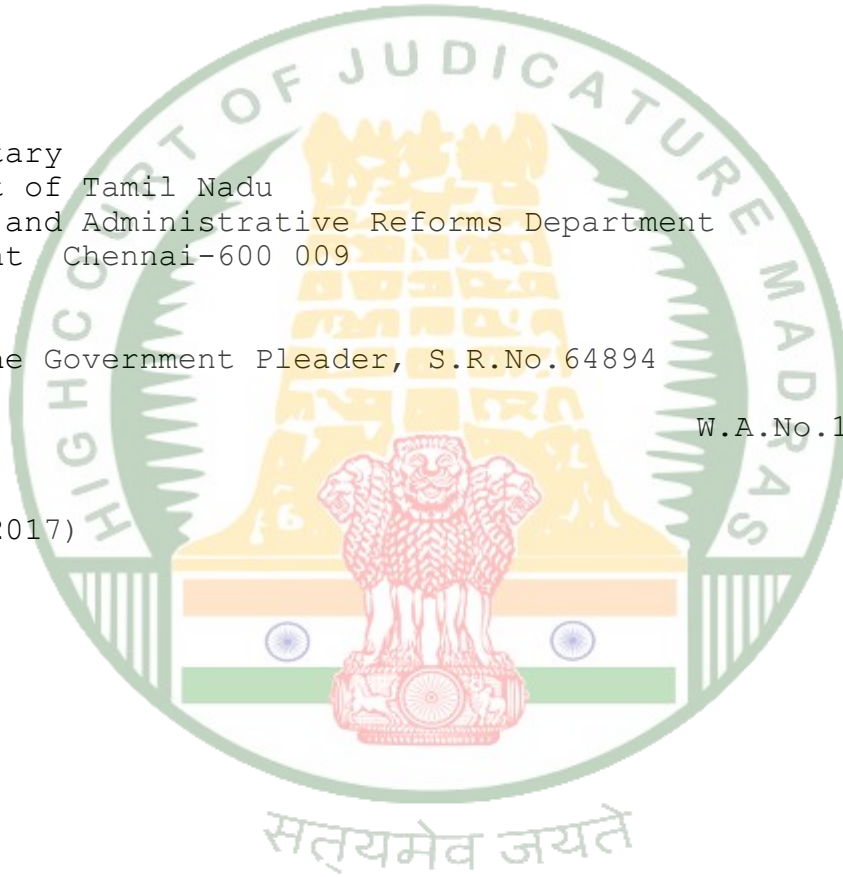
To:

The Secretary
Government of Tamil Nadu
Personnel and Administrative Reforms Department
Secretariat Chennai-600 009

+1cc to the Government Pleader, S.R.No.64894

W.A.No.1005 of 2017

RSY(CO)
CA(23/10/2017)



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