

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.8.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.912 of 2017
and
C.M.P.No.12727 of 2017

S.Kethareswara Prasad Appellant/Third Party

Versus

- 1 C.Sundara Moorthy
- 2 J.Kavitha ... Respondents 1 & 2 /Petitioners
- 3 The Government of Tamil Nadu
Rep. by its Additional Chief Secretary
Commercial Taxes & Registration (A2)
Department
Fort St. George Secretariat
Chennai 600 009
- 4 The Additional Chief Secretary
and Commissioner of Commercial Taxes
Government of Tamil Nadu Chepauk
Chennai 600 005
- 5 The Secretary to Government
of Tamil Nadu
Department of Personal &
Administrative Reforms
Fort St. George
Secretariat Chennai 600 009

...Respondents 3 to 5/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.5.2017 passed in W.M.P.No.14513 of 2017 in W.P.No.13459 of 2017 on the file of this court.

WP.13459/2017

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Issue Writ of Mandamus directing the respondents herein to forthwith prepare a

Panel based on the permanent Seniority List in the post of Assistant Commissioners (Commercial Taxes) and make promotions as Deputy Commissioners (Commercial Taxes) only as per the Seniority List thus drawn in wp 13459/2017

WMP 14513/2017

The High Court will be pleased to grant an order of interim injunction restraining the respondents herein their men agents servants subordinates or any other person or persons claiming through them or authorized by them from in any manner promoting/appointing either temporarily or permanently any person to the Office of Deputy Commissioner (Commercial Taxes) pending disposal of the above wp 13459/2017

For appellant : Mr.S.R.Raghunathan for
Mr.Adithya Reddy

JUDGMENT

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

Heard the learned counsel appearing for the appellant. Notice to the respondents is dispensed with.

2. The order impugned in the writ appeal reads thus:-

"Mr.R.Rajeswaran, learned Special Government Pleader takes notice for respondents.

2. Violating the order passed by the Division Bench of this Court in Writ Appeal Nos.2280 of 2011 and 2527 of 2012 dated 28.07.2016, the respondents are attempting to appoint/promote petitioners Juniors temporarily in the said post. Hence, there shall be an order of interim injunction.

3. Post the matter after four weeks."

3. It appears from the submission of the learned counsel appearing for the appellant that without impleading himself as well as other similarly placed persons, who are aggrieved, the interim order has been passed. The case of the appellant is that he retires by 31st August 2017. In such a view of the matter, the matter requires re-consideration at the hands of the learned Single Judge especially when the appellant claims seniority over the private respondents herein and would contend that by interim order, his right for promotion and other consequential benefits are curtailed.

4. We, thus, dispose of this writ appeal, however, making it clear that it is for the appellant herein to get impleaded himself in the writ petition pending before the learned Single Judge, by moving today itself and raise all his contentions before the learned Single Judge and in such event, those

contentions also shall be considered by the learned Single Judge including the issue of inter se seniority that is likely to be affected. No costs. The connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ssk.

To:

- 1 The Additional Chief Secretary
The Government of Tamil Nadu
Commercial Taxes & Registration (A2)
Department
Fort St. George Secretariat
Chennai 600 009
- 2 The Additional Chief Secretary
and Commissioner of Commercial Taxes
Government of Tamil Nadu Chepauk
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- 3 The Secretary to Government
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W.A.No.912 of 2017

VSN(CO)
NR 23/08/2017

सत्यमेव जयते

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