

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2017

CORAM

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

W.A.Nos.1092 & 1103 of 2016

W.A.No.1092 of 2016

1. M.N.Viswanath Jayan
2. T.Saravanan
3. S.Seenivasan
4. S.Krishnan
5. D.Kandasamy ... Appellants/Respondents 126 to 130

-vs-

001. S.Charles Sam Rajadurai
002. P.Jawahar
003. R.Vincent
004. M.Justin Prabakaran
005. K.R.Jaisingh
006. S.Sampath Kumar
007. Pon Duraipandian
008. K.Sasikumar
009. K.Murugesan
010. C.Umapathy
011. S.Saravana Devendran
012. R.Senthil
013. A.Peer Basha
014. D.Selvakan David
015. S.Saravana Prabhu
016. P.Pandithurai
017. G.Rameshkumar
018. V.V.Sivakumar
019. R.Nithiskumar
020. R.Ramesh Kannan
021. S.Gnanaprakasam
022. A.Murugan
023. P.Anand
024. K.Manikandan
025. S.Balasundaram ... Respondents 1 to 25/Petitioners

026. State of Tamil Nadu
rep by Principal Secretary to Government
Home Department, Secretariat
Chennai-600 009

027. The Director General of Police
Office of the DGP of Police
Chennai-600 004

028. P.Stephan
029. V.Seetharaman
030. E.Mcclarine Eskhol
031. C.Augustine Paul Sudhakar
032. K.Sundararaj
033. A.Yakkoob
034. S.Unnikrishnan
035. S.Ramakrishnan
036. S.Namasivayam
037. R.Kumaresan
038. G.A.Kannan
039. V.Visweswarayya
040. K.Saravanan
041. P.Jayakumar
042. G.Chandiradhasan
043. M.Somasundaram
044. A.Philip Franklin Kennedy
045. R.Venugopal
046. T.Gopal
047. S.Baskaran
048. T.Mathialagan
049. V.Anil Kumar
050. R.Soundara Rajan
051. R.Chandra Sekharan
052. V.V.Thirumal
053. S.Justin Raj
054. N.Suriyamoorthy
055. S.Shanmugaiah
056. M.Prakash Babu
057. S.Panbalan
058. G.Balamurugan
059. K.Ramachandran
060. R.Srinivasalu
061. M.Annadurai
062. S.Prabhakaran
063. K.Balamurugan
064. M.Vivekanandan
065. S.Balakumar
066. S.Murugavel
067. N.Kottieswaran
068. R.Ravindran
069. S.Sathiyamoorthy
070. R.Alagesan
071. P.Karuppiah
072. B.Sridhar
073. K.Yuvaraj
074. N.Balasubramanian
075. R.Raj Babu

076. C.Velumani
077. N.Ravichandran
078. A.Rajendran
079. G.Hector Dharmaraj
080. R.Sankar
081. G.Palaniselvam
082. G.Velmurugan
083. T.Prabhakaran
084. C.Natesan
085. N.K.Selvaraj
086. S.Muthuvelpandi
087. P.Chandrasekaran
088. D.Kumar
089. I.Subbiah
090. N.Sugumar
091. M.Vetry Chezhian
092. R.Arnold Easter
093. M.Kumaraguruparan
094. K.Radhakrishnan
095. G.Krishnamoorthy
096. G.Harikumar
097. A.J.Ravikumaran
098. R.Ponnarasu
099. N.Arumugam
100. P.Kalaiselvan
101. P.K.Prakash
102. P.Gopalachandran
103. K.Sankar
104. S.Ramesh Babu
105. A.Antony Ari
106. K.Kanagaraj Joseph
107. R.Muthamilselvan
108. D.Suresh
109. S.Soundararajan
110. M.Sivanupandian
111. M.Muthukumar
112. A.Manikandan
113. K.Asokan
114. G.Mathialagan
115. H.Krishnamurthy
116. S.J.John Kennady
117. A.V.Elamurugan
118. R.Mathialagan
119. B.Mathew David
120. M.Chellamuthu
121. P.Kumaran
122. M.Jeevanandam
123. G.Pugazhvendhan
124. G.Pravinkumar
125. A.Sivarajan
126. A.T.Jaikumar
127. M.Balasubramanian
128. K.Suthakar

129. A.Aularasu Justin
130. M.Venkatasen
131. K.Ramamoorthi
132. M.Gunasekaran
133. M.Loganathan
134. M.Arivazhagan
135. A.T.Ramachandran
136. C.V.Vijayakumar
137. Sridharan
138. V.E.Senthil
139. N.Karunakaran
140. S.Murugan
141. R.Ramesh
142. V.S.G.Suresh
143. M.T.Irudhayaraj
144. K.Annadurai
145. K.Nilavazhagan
146. M.Vijayakumar
147. R.Chinnaraj
148. G.Annbadurai
149. K.Sridharan
150. K.Thangavel

... Respondents 26 to 150/
Respondents 1 to 125

Appeal under Clause 15 of the Letters Patent, against the order dated 18.08.2016 made in W.M.P.No.12426 of 2016 in W.P.No.14207 of 2016.

For Appellants :: Mr.K.M.Vijayan
Senior Counsel for
Mr.E.Vijay Anand

For Respondents:: Mr.D.Selvam for
Ms.Lesi Saravanan for
RR2,9,11,13 & 15 to 17
Mr.S.Prabakaran for
Ms.S.Nishanthi for RR18,20,21,24&25
Mr.K.Venkataramani
Additional Advocate General
assisted by
Mr.V.Jayaprakash Narayanan
Special Government Pleader for
RR 26 & 27

W.A.No.1103 of 2016:

01. H.Krishnamurthy
02. S.J.John Kennedy
03. A.V.Elamurugan
04. R.Mathialagan
05. B.Mathew David
06. M.Chellamuthu
07. P.Kumaran
08. M.Jeevanandam

09. G.Pugazhvendhan
10. G.Pravinkumar
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17. K.Ramamoorthi
18. M.Gunasekaran
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21. A.T.Ramachandran
22. C.V.Vijayakumar
23. Sridharan
24. V.E.Senthil
25. N.Karunakaran
26. S.Murugan
27. R.Ramesh
28. V.S.G.Suresh
29. M.T.Irudhayaraj
30. K.Annadurai
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32. M.Vijayakumar
33. R.Chinnaraj
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35. K.Sridharan
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019. R.Nithikumar
020. R.Ramesh Kannan
021. S.Gnanaprakasam

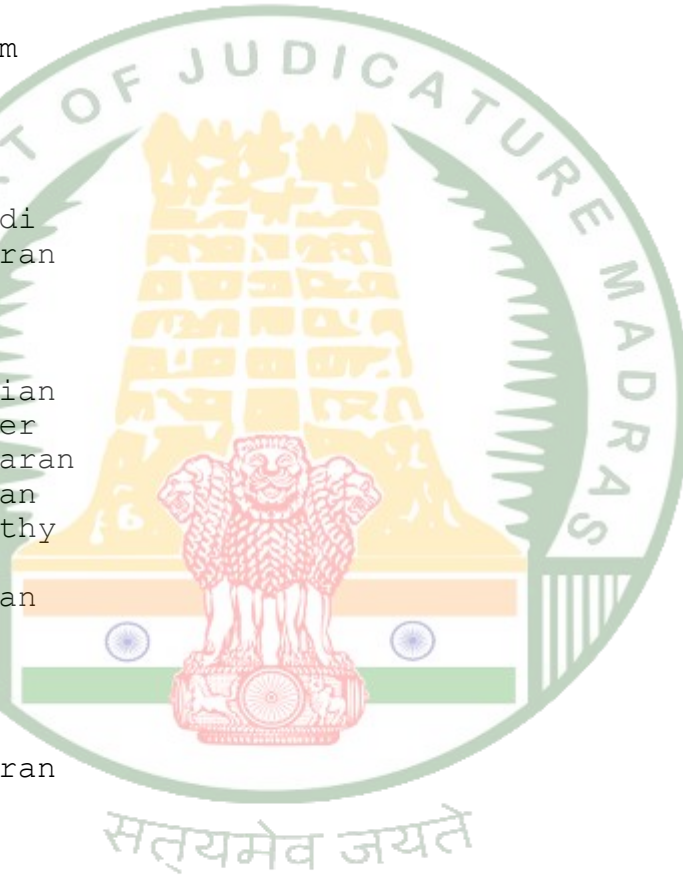
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023. P.Anand
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111. M.Muthukumar
112. A.Manikandan
113. K.Asokan
114. G.Mathialagan
115. M.N.Viswanath Jayan
116. T.Saravanan
117. S.Seenivasan
118. S.Krishnan
119. D.Kandasamy

(Respondents 28 to 119 are given up).. Respondents /Respondents



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Appeal under Clause 15 of the Letters Patent, against the order dated 18.08.2016 made in W.M.P.No.12426 of 2016 in W.P.No.14207 of 2016.

WMP.12426/2016: grant an interim order directing the respondents to create supernumerary posts for temporarily promoting the petitioners and promote them as Deputy Superintendent of Police, (respectively pending WP.14207/2016).

WP.14207/2016:Writ Petitions Under article 226 of the Constitutions of India praying that in there Circumstances stated therein and in the respective affidavits filed therewith the High court will be pleased to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings in Home (Police-2) Department Police Note No.1 dt.13.01.2016 issued by the 1st respondent and consequential proceedings in R.C.No.00878/ NGB.I(1)/2016 dated 01.02.2016 issued by the 2nd respondent and quash the same in respect of the respondents 3 to 89 who are in Serial Number 22 to 108 in impugned Proceedings in Home (Police-2) Department Police Note No.1 dt.13.01.2016 issued by the 1st respondent and direct the respondents 1 and 2 to promote the petitioners temporarily from Inspectors to Deputy Superintendent of Police as recommended by the 2nd respondent in R.C.No.109372/ NGB.I(1)/05 dated 23.02.2006

For Appellants :: Mr.P.Wilson
Senior Counsel for
Mr.G.Sankaran

For Respondents :: Mr.Abrar Mohammed Abdullah
for RR 1 to 25
Mr.K.Venkataramani
Additional Advocate General
assisted by
Mr.V.Jayaprakash Narayanan
Special Government Pleader for
RR 26 & 27
RR 28 to 119-given up

JUDGMENT

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

Heard the respective learned counsel for the parties for some time.

2. The writ appeals are directed against the interim order of the learned single Judge. While admitting the writ appeals on 9.9.2016, this Court had granted an order of interim stay of the impugned order. It appears that although a petition, styled as "to vacate interim stay", was filed by the respondents 1 to 25 in W.A.No.1092 of 2016 on 22.9.2016 before this Court, however, they have only prayed for an interim order directing the

respondents to create supernumerary posts for temporarily promoting the petitioners and promote them as Deputy Superintendent of Police, pending disposal of the main writ petition.

3. Be that as it may. Considering the fact that the dispute relates to fixation of inter se seniority and promotion and also considering the fact that the matter is pending adjudication before the learned single Judge, we feel that the matter shall be heard and disposed of on merits by the learned single Judge. Accordingly, we request the learned single Judge to dispose of the matter on merits within a period of 15 days after hearing the parties and all the contentions are left open to be urged by the parties before the learned single Judge. Registry is directed to place the matter before the learned single Judge on 10.8.2017. The parties are directed to maintain status quo till the matter is decided by the learned single Judge. With this observation, the writ appeals are disposed of accordingly. Consequently, C.M.P.Nos.14140, 14287 of 2016 and 3527 of 2017 are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Principal Secretary to Government
Home Department
Fort St.George
Chennai-600 009

2. The Director General of Police
Radhakrishnan Salai
Chennai-600 004

+1cc to Mr.Lesi Saravanan, Advocate SR.No.55611
+1cc to Mr.E.Vijay Anand, Advocate SR.No.55504

W.A.Nos.1092 & 1103 of 2016

SKS(CO)
GN(16/08/2017)