

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE Mrs.JUSTICE S.RAMATHILAGAM

W.P.No.4373 of 2018

1. Mohammed Niyamathullah Khazi
2. J.Prathiba Lakshmi
3. S. Vishnuvarma
4. G.Vimala ... Petitioners

vs.

The Registrar General,
High Court of Judicature of Madras,
Chennai - 600 104 ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to consider the claim of the Petitioners for fixation of separate seniority and for fixation of separate ratio and rotation for the distinguished category of posts called Interpreters for the purpose of promotion to the next higher posts of Sub-Assistant and Assistant Register and to pass appropriate Orders in the light of the Petitioner's representation dated 18.07.2017, within a limited time frame.

For Petitioners : Mr.P.Kumaravel

For Respondent : Mr.C.T.Mohan

O R D E R

(Order of the Court was made by M.VENUGOPAL,J.)

Heard the Learned Counsel for the Petitioners and the Learned Counsel for the Respondent.

2. According to the Petitioners, on the basis of their qualification, eligibility and performance in the selection proceedings, they were directly recruited as Interpreters. As a matter of fact, the 1st Petitioner was already serving as

'Assistant' in this Court prior to his recruitment as Interpreter [Urudu]. In fact, the Petitioners 2 to 4 were directly recruited as Interpreter [French], Interpreter [Tamil and Telugu] and Interpreter [Tamil and Telugu] respectively.

3. Indeed, the Petitioners have had addressed a detailed representation dated 18.07.2017 on the subject of Fixation of separate ratio for Interpreters, seeking appropriate Rectification of Anomalies in Amendment to the Madras High Court Service Rules, 2015 to the Respondent / Registrar General of High Court Madras.

4. The version of the Petitioners is that both in accordance with the earlier Madras High Court Service Rules [Rule 7(c)] and the amended Rules, viz., the Madras High Court Service Rules, 2015 [Rule 7(d)], Interpreters, AE/CO/SO and P.A. To Hon'ble Judges are all classified as separate categories for the purpose of first appointment promotion, discharge for want of vacancies, re-appointment, seniority and appointment of full member, with different prerequisite qualifications prescribed for each of the categories [Vide Rules 6 and 7 of the former Madras High Court Service Rules and Rule 14(A) of the Madras High Court Service Rules, 2015).

5. The stand of the Petitioners is that, as per the erstwhile Madras High Court Service Rules, seniority of each of the aforesaid three different categories was maintained separately and also a separate quota / ratio for each of the three different categories was in existence for the purpose of promotion. However, the Madras High Court Service Rules, 2015, wherein the seniority of Interpreters is integrated with the separate category namely, P.A. To the Hon'ble Judges and the ratio of Interpreters is integrated with one another separate category viz., AE/CO/SO under Rule 14(h) and (j) are made to the complete disadvantage of Interpreters.

6. The Petitioners in their representation dated 18.07.2017 take a stand that it is a strange phenomenon in 'Service Jurisprudence' to integrate a category of post, viz., Interpreter with a separate category of post, viz., P.A. To Hon'ble Judges for the purpose of seniority and to integrate the said category with one another separate category viz., AE/CO/SO for the purpose of fixation of ratio, that too, to the detriment of the interests of the holders of the said category of posts in toto. Added further, their grievance is that the present Madras High Court Service Rules, not only lead to stagnation in the category of Interpreters, but also make the post of Interpreter 'cul-de-sac' or a blind alley post having no promotional avenue in their entire career as Interpreters.

7. It is to be relevantly pointed out that in the Writ affidavit, the Petitioners at Paragraph No.9 had averred that the present Madras High Court Service Rules not only lead to stagnation in the category of Interpreters. Moreover, they had averred that except the 1st Petitioner, who was directly recruited from in-service candidates, other Petitioners are all recruited directly and only avenue of promotion for them is to the level of Sub-Assistant Registrar or Assistant Registrar, for which the ambiguous integrated seniority and ratio should be a major impediment.

8. Apart from the above, the Petitioners in their affidavit at Paragraph No.12 had mentioned that unlike SO/CO/AE, who had seen several promotions before they reach the feeder category for promotion to Sub-Assistant Registrar and Assistant Registrar and who were granted enhancement by way of categorisation to the Scale of Pay of Deputy Registrar, Assistant Registrar and Sub-Assistant Registrar and Senior Private Secretary to the Hon'ble Judges, for whom enhancement by way of categorisation to the Scale of Pay of Deputy Registrar, Assistant Registrar and Sub-Assistant Registrar was already granted, Interpreters, who were recruited directly to the post have no other avenue for enhancement except by means of promotion to the Sub-Assistant Registrar and / or Assistant Registrar. As such, unless the original exclusive channel for promotion, which was in ***existence** at the time of their appointment is restored and a separate ratio is devised for the separate category viz., Interpreters, it would cause serious injustice to them.

9. The sum and substance of the representation of the Petitioners dated 18.07.2017 is that in order to redress the genuine grievance by meting out fair and just treatment, in accordance with the provisions contained in Articles 14 and 16 of the Constitution of India, the original hierarchy of the categories, viz., Interpreters, AE/CO/SO and P.A.to Hon'ble Judges as existed in the erstwhile Madras High Court Service Rules, may be restored and Interpreters may be placed in Category-1 of Division II of the Madras High Court Service Rules, 2015 and that a separate ratio, i.e., '1' to the separate and distinct category, viz., Interpreters may be fixed, thereby amending the existing ratio among the three different categories viz., Interpreters, AE/CO/SO and P.A.to Hon'ble Judges including Senior Private Secretary to Hon'ble Judges / Private Secretary to Hon'ble Judges as "1:6:3" respectively, which ratio would not disturb the existing ratio between the two other categories, viz., AE/CO/SO and P.A., to Hon'ble Judges and that Interpreters may be considered for promotion from out of their separate ratio, viz., '1' on rotational basis, and that in all fairness a specific proviso may be added as a prerequisite condition for rendering the 'Interpreters' as eligible to avail the ratio that

Interpreters shall have to put-up eight years of minimum service and if no Interpreter is eligible to consider for promotion on account of completion of the said minimum period of service, then, the ratio allotted to the Interpreters shall go to the two other categories, viz., AE/CO/SO and PA to Hon'ble Judges on rotational basis.

10. At this stage, the Learned Counsel for the Respondent fairly submits that the representation of the Petitioners dated 18.07.2017 is to be placed before the Concerned Committee of this Court for due consideration and in this regard, prays for sufficient time being granted by this Court.

11. Considering the request made on behalf of the Respondent / Registrar General, High Court, Madras, this Court, taking note of the fact that the representation of the Petitioners' dated 18.07.2017 is pending till date and also without expressing any opinion on the merits of the said Representation dated 18.07.2017 and not delving deep into the same, at this stage, this Court simpliciter grants one week time to the Respondent to place the matter before the Concerned Committee. After the Representation of the Petitioners 18.07.2017 is placed before the Concerned Committee by the Respondent within the time determined by this Court, then, the said Committee may look into the Representation of the Petitioner and to dispose of the same within a period of six weeks thereafter. If the Concerned Committee is of the opinion that the Petitioners / Employees need to be provided with an opportunity of hearing, then, it is up to the Committee to take a call in this regard and to proceed further as they deem fit and proper.

With the aforesaid observations and directions, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-IX)
dt.10.9.2018

*Issue corrected order
Sub Assistant Registrar (Co I)
dt.12.9.2018

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True Copy

Sub-Assistant Registrar

ssd

To

The Registrar General,
High Court of Judicature of Madras,
Chennai - 600 104

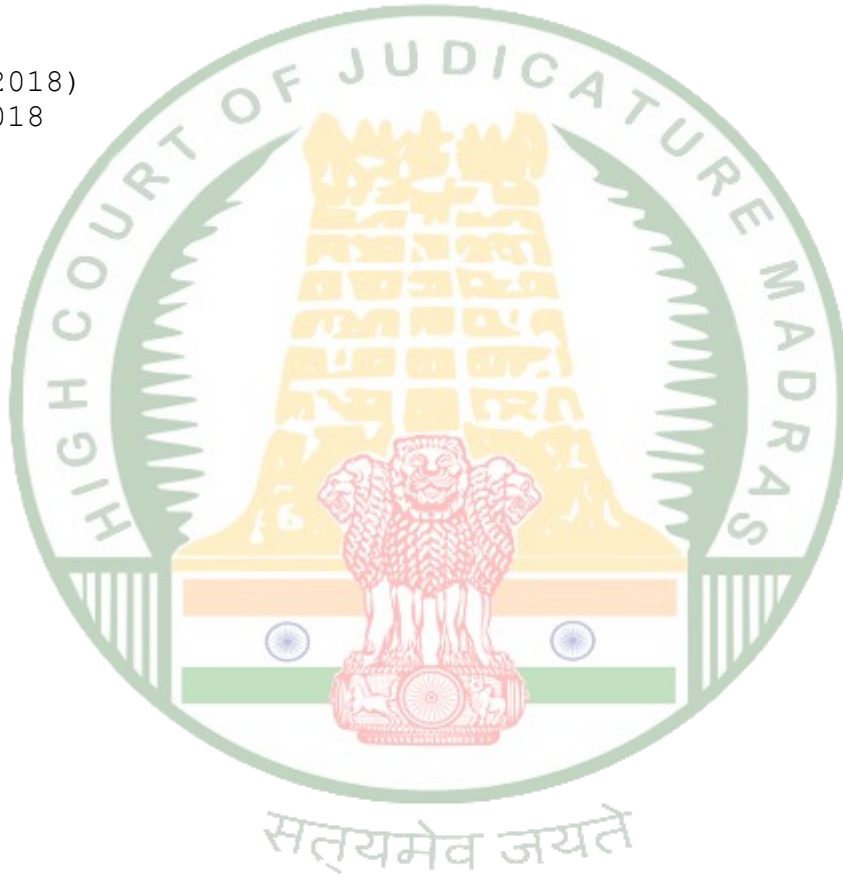
To be substituted to
the order already
transferred on 11/9/18

+1 CC to Mr.M. Ravi, Advocate sr 59515

+1 CC to Mr.P.Kumaravel, advocate sr 60031.

W.P.No.4373 of 2018

CP(CO)
SP(10/09/2018)
sm:12.9.2018



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