

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.02.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.Nos.830 and 831 of 2014
and C.M.P.Nos.1, 1 and 2 of 2014

1.The Secretary to Government
Home (Courts VI) Department
Fort St.George, Chennai 9.

2.The Director of Prosecution
Slum Clearance Board Complex
2nd Floor, Kamarajar Salai
Chennai 600 005.

.. Appellants in both
appeals/Respondent in both writ
petition

Vs.

P.Balachandranath .. Respondent in W.A.830/2014/Petitioner in
WP.30182/13

M.Jawahar Kanagaraj .. Respondent in W.A.831/2014/Petitioner in
WP.30183/13

Writ Appeals filed under Clause 15 of Letters Patent to
set-aside the order dated 08.11.2013 made in W.P.Nos.30182 and
30183 of 2013, on the file of this Court.

W.P.Nos.30182 & 30183 of 2013: These petitions presented to this
court to issue a writ of Mandamus to direct the respondents to
consider the claim of the petitioner for promotion to the post
of Deputy Director of Prosecution for the year 2009-10,2010-2011
and promote him notinally and grant him all consequential
service and monetary benefits.

For Appellants : Mr.V.Anandhamurthy
in both appeals Additional Government Pleader

For Respondent : Mr.K.Venkataramani, Senior Counsel
in both appeals for Mr.M.Muthappan

C O M M O N J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN, J.]

The first respondent in the respective intra court appeals filed writ petitions in W.P.Nos.30182 and 30183 of 2013 directing the appellants herein to consider their claim for promotion to the post of Deputy Director of Prosecution, taking into account the representations submitted by them earlier. The learned Single Judge taking into account the fact that an order was passed earlier in W.P.(MD).No.222 of 2009, which was implemented after a period of four years on 27 August, 2013, directed the appellants to consider the representation in the light of the earlier orders passed by the High Court, which has become final. Feeling aggrieved by the said common order, the appellants have come up with these intra court appeals.

2. The appellants have taken up certain contentions in these appeals on the merits of the matter. There was no direction given by the learned Single Judge to consider the representation in a particular manner. The appellants were directed to consider the case of the first respondent in the respective appeals on merits within a period of twelve weeks, taking into account the individual representations submitted by them. Nothing prevented the appellants from passing an order on merits taking into account the eligibility of the concerned respondent. We are therefore, of the view that there was no adverse order passed against the appellants so as to enable them to file an appeal.

3. We make it clear that the appellants are at liberty to pass an order on merits and as per law taking into account the case pleaded by the first respondent in the respective appeals.

4. The intra court appeals are disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

We direct the first appellant to comply with the order passed by the learned Single Judge as expeditiously as possible and in any case within a period of eight weeks from the date of receipt of a copy of this judgment.

Sd/-

Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

gms

To

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Home (Courts VI) Department
Fort St.George, Chennai 9.

2.The Director of Prosecution
Slum Clearance Board Complex
2nd Floor, Kamarajar Salai
Chennai 600 005.

+2cc to Mr.Muthappan, Advocate SR.No.13953 & 13954
+1cc to Government Pleader SR.No.14026

W.A.Nos.830 and 831 of 2014

PVM(CO)
GN(14/03/2018)



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