



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **19.03.2018**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A.(MD).No.443 of 2018

and

C.M.P.(MD)No.2650 of 2018

1. The Additional Director General of Police &
Inspector of Prisons
Tamil Nadu, Chennai-8. ... Appellant

Vs.

1.R.Maheswari
2.C.Sugantham Jebamalar
3.J.Priskila Jayaseeli
4.R.Gnanasundari
5.S.Sakila
6.R.Punitha
7.R.Saraswathivelu
8.K.Jamunarani
9.P.Karunambigai
10.R.Kanagalakshmi ... Respondents

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 30.08.2017 in W.P.(MD)No.15041 of 2017.

Prayer in WP(MD). 15041/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in No.1908/EW.2/2017-1 dated 21.07.2017 quash the same and consequently direct the 1st respondent herein to consider the promotion of the petitioners to the post of Grade-I Warder (Female) for the year 2016-2017.

For Appellant	: Mr.D.Muruganantham Additional Government Pleader
For Respondents	: Mr.C.Jegennathan For M/s.Veera Associates

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.D.Muruganantham, learned Additional Government Pleader appearing for the appellant and Mr.C.Jegennathan, learned counsel appearing for the respondents.



2.This appeal by the State is directed against the order made in W.P.(MD)No.15041 of 2017 dated 30.08.2017. The respondents 1 to 3 filed the writ petition, challenging the order passed by the appellant dated 21.07.2017, seeking for a direction to permit them to the post of Grade I Warden (Female) for the year 2016-2017.

3.The contention of the appellant is that the respondents 1 to 3/writ petitioners had relinquished the promotion in the year 2012-2015 and the respondents 4 to 10 were working as temporary Warders and much prior to that they have filed the writ petition before the Court and the Court directed the regularisation of their services and their fixation in the seniority at appropriate place is correct.

4.Though such a contention had been advanced, we find that the same was not considered by the Writ Court, as it appears that the writ petition was disposed of at the admission stage itself. The correctness of the order passed by the appellant dated 21.07.2017 should be tested, for which, the Official respondents 1 to 3, namely, the writ petitioners should be heard and the private respondents 3 to 10 are also required to be heard. Without counter affidavit, the writ petition could not have been decided, which will have a direct impact on the rights of the respondents 3 to 10.

5.Hence, we are inclined to interfere with the order passed in the writ petition and all the parties are directed to put forth their respective contentions before the Writ Court. The writ appeal is allowed and the order passed in the writ petition is set aside. The writ petition is directed to be heard and decide afresh and the respondents 1 to 3 are directed to issue notice to the respondents 4 to 10 returnable by four weeks. The registry is directed to list the writ petition before the appropriate Writ Court on 16.04.2018. No Costs. Consequently, C.M.P.(MD)No.2650 of 2018 is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Additional Director General of Police &
Inspector of Prisons
Tamil Nadu, Chennai-8.

+1cc to M/s. Veera Associates Sr.No.56641

+1cc to The Spl. Government Pleader Sr.No.56469

MRN

VB/SV/MMS/SAR1/03.04.2018/2P/4C

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