



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Review Application Nos. 105 & 106 of 2019

Review Application No.105 of 2019

1.V.Ravi Shankar
2.S.Bakthi Bai
3.V.M.Shanmugavadivu
4.K.Kalaiselvi
5.N.Mala
6.K.Vijayalakshmi
7.K.Meera Bai
8.T.S.Geetha .. Petitioners

Vs.

1.The Transport and Port Workers' Union,
Represented by its General Secretary,
B.Soundararajan, No.193-B, Railway Colony,
Gandhi Irwin Road, Egmore, Chennai-600 008.
2.The Chairman
Chennai Port Trust, Chennai.
3.The Traffic Manager,
Chennai Port Trust,
Chennai - 600 001. .. Respondents

Review Application No.106 of 2019

1.V.Ravi Shankar
2.S.Bakthi Bai
3.V.M.Shanmugavadivu
4.K.Kalaiselvi
5.N.Mala
6.K.Vijayalakshmi
7.K.Meera Bai
8.T.S.Geetha .. Petitioners



Vs.

1.S.Sebastian Sylvester

2.The Chairman
Chennai Port Trust,
Chennai - 600 001.

3.The Traffic Manager,
Chennai Port Trust,
Chennai - 600 001.

4.A.Salma

5.E.Manimegalai

6.Jaishree

.. Respondents

PRAYER : Review Applications filed under Order 47 Rule 1 of C.P.C. read with Section 114 CPC against the order dated 03.12.2018 passed in W.P.Nos.22722 and 31507 of 2016.

Prayer in WP No.22722 of 2016 : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the first respondent relating in Chennai Port Trust General Administration Department (RRC/5850/2013/GA) to the amendment made to the existing Chennai Port Trust Employees (Recruitment Service and Promotion) Regulations 2008 in respect of Assistant Superintendents to the post of Office Superintendent in Traffic Department published in the Government Gazette dated 03.02.2016 and quash the same.

Prayer in WP No.31507 of 2016 : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of direction Declaring the action of the 1st and 2nd Respondent not promoting the Petitioner to the post of Office Superintendent from the date when the 3rd 4th and 5th Respondents were promoted to the post of Office Superintendent as illegal arbitrary and contrary to the Chennai Port Trust Employees (Recruitment Seniority and Promotion) Regulations 2008 and also declare the amendment brought to the recruitment rules for the post of Office Superintendent (Class III) in Traffic Department published in the Tamil Nadu Government Gazette NO.5 dated 3.2.2016 part III Section 2 of the Notification as illegal arbitrary and in any event hold such amendment to be prospective in nature and consequently direct the first and second respondents to consider the petitioner for



promotion to the Post of Office Superintendent on and from when the third respondent was promoted to the Post Office Superintendent with all monetary benefits and consequential benefits.

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For Petitioners : Mr.G.Sankaran
(in both Review Applications)

Mr.A.V.Arun for R1
(both Application)
For Respondents : Mr.A.Abdul Hameed
for M/s.AAV Partners for R2
in both Rev. Applications

COMMON ORDER

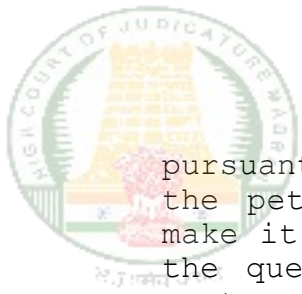
(Order of the Court was made by M.M.SUNDRESH.,J)

Seeking to review the order passed by us in W.P.Nos.22722 and 31507 of 2016, the present petitions have been filed.

2. The subject matter of the review is with respect to the promotion to the post of Office Superintendent from the post of Assistant Superintendent.

3. We have two separate categories of employees though joined initially as one. This is for the reason that one major chunk of employees opt to go outdoor and thereafter became Senior Assistant. They also relinquished the right for promotion to the post of Assistant Superintendent and thereafter as Office Superintendent. Now, the question for consideration is which category of those persons should be considered to the post of Assistant Superintendent and then Office Superintendent. The incidental question as to whether what is the position of those outdoor Senior Assistants promoted as Assistant Superintendents as against those waiting from the post of Senior Assistants working indoor. Resultantly, by our order, the writ petitioners who are working as Assistant Superintendents, while working earlier as Senior Assistants as the outdoor employees, have been given the benefits. Now the grievance of the petitioners is that inspite of promotion of the writ petitioners having been given up, and despite the fact that the petitioners are promoted by being the indoor employees, they are being reverted. We agree, this is certainly a case for review to be argued upon in the writ petition. This has come into being while giving effect to the order passed by us.

4. In such view of the matter, in order to balance the interest of both sides, without disturbing the promotions made



pursuant to the order passed by us, we are inclined to implead the petitioners as party respondents in the writ petition. We make it clear that, we are leaving all the issues open including the question over non-challenge regarding the promotion to the post of Assistant Superintendent. Consequently, the order passed by us dated 03.12.2018 passed in W.P.Nos.22722 and 31507 of 2016 stands recalled to decide the writ petitions afresh. Registry is directed to post the writ petitions before the appropriate Bench as per the roster.

The Review Petitions stand allowed. No Costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

ssm

To

1.The Chairman
Chennai Port Trust,
Rajaji Salai, Chennai-1.

2.The Traffic Manager,
Chennai Port Trust,
Chennai - 600 001.

Copy To
The Section Officer,
Writ Section,
High Court, Madras

+1cc to Mr.Balan Haridas, Advocate SR.No.14273

+1cc to Mr.G.Sankaran, Advocate SR.No.14503

+2cc to Mr.AV.Arun, Advocate SR.No.14329,14330

Review Application Nos. 105 & 106 of 2019

SSI (CO)
GMY (06/03/2020)