

W.M.P.No.6523 & 883 of 2019**in****W.P.No.802 of 2019****S.M.SUBRAMANIAM.,J**

The learned counsel for the respondent made a submission that the entire promotions to the post of Assistant Executive Engineer is stalled, on account of the interim stay granted by this Court.

2. The learned counsel for the petitioner states that the interim stay was granted on the ground that the respondents had not published the seniority list and failed to consider the objections raised by the writ petitioner regarding the fixation of seniority list. In the absence of publishing seniority list, the respondents cannot grant promotion. Undoubtedly, seniority list is of paramount importance for the purpose of deciding the seniority of the employees. Such seniority list is to be published by the competent authorities before undertaking the process of promotion or preparation of panel for eligible persons who are all aspiring to secure promotions.

3. However, if the interim stay of the entire promotions are continued for an unspecified period, the same would effect the peaceful functioning of the Administration and the respondent being

the Electricity Board and rendering essential services to the people, this Court is of an opinion that stalling of entire promotions in respect of claim of one writ petitioner is not desirable. Contrarily, if the case of the writ petitioner is considered after hearing of the parties, suitable relief can be granted even for grant of retrospective promotion on par with his junior with all attendant benefits.

4. If the interim stay is extended for an unspecified period, the same would hamper the public administration and therefore, this Court is of an opinion that the relief sought for in the present writ petition can be moulded so as to consider the case of the writ petitioner if the petitioner establishes his case at the time of final hearing of the present writ petition.

5. A balancing approach for grant of interim orders are certainly imminent and stalling of the entire promotions or appointments would cause inconvenience to public administration and therefore this Court is not inclined to continue the interim order already granted by this Court on 10.01.2019.

6. However, it is made clear that all promotions to be made are

subject to the result of the writ petition and the respondents are directed to intimate the promotees about the pendency of the writ petition in the order of promotion if any granted.

7. With these directions, the interim stay granted by this Court on 10.01.2019 is vacated and the Registry is directed to list the writ petition for final disposal after two weeks.

mrm/pns

25.03.2019



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S.M.SUBRAMANIAM.,J

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