

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1701 of 2019
& CMP No.11386 of 2019

G.Geedha

.... Appellant

Vs

1. Tmt.S.Saraswathy,
Compositor, Office of the Commissioner of
Archaeology, Egmore, Chennai - 600 008.
2. The Commissioner of Archaeology
Egmore, Chennai - 600 008. Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 16.04.2019 made in WMP No.19812 of 2018 in WMP No.13706 of 2018 in W.P.No.11738 of 2018.

Prayer in W.M.P.No.19812/2018: Petition filed under Article 226 of the Constitution of India, praying this Honourable Court to vacate the interim order made in WMP No.13706 of 2018 in W.P.No.11738 of 2018, dated 03.05.2018.

Prayer in W.P.No.11738 /2018: Petition filed under Article 226 of the Constitution of India, praying this Honourable Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first Respondent in Na.Ka.No.A2/5110/2015-2, dated 26.04.2018 and Se.Mu.Aanai.No.A2/5110/15-1, dated 26.04.2018 and quash the said order and direct the first Respondent to restore the petitioner's seniority and the promotion panel for the year 2011-2012 for the post of Proof Reader as it existed prior to issue of the impugned order and grant her all consequential benefits.

For Appellant : Mr.P.Rajendran

For Respondents : Mr.L.Chandrakumar - R1
Mrs.A.Srijayanthi, Spl.G.P. - R2

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The order vacating the interim stay granted earlier in W.P.No.11738 of 2018 is under challenge at the instance of the unsuccessful writ petitioner.

2. The appellant filed a Writ Petition in W.P.No.11738 of 2018 challenging the order dated 26.04.2018 on the file of the Commissioner of Archaeology with a consequential prayer to restore her seniority. The learned single Judge initially granted interim order staying the order, in and by which, she was reverted to the post of Compositor, which is the feeder category to the post of Proof Reader. The said order was subsequently set aside at the instance of the first respondent. The first respondent made an attempt to demonstrate that the reversion was made correctly. The learned single Judge recalled the interim order which is under challenge in this intra Court appeal.

3. This Court taking into the prima facie case made out by the appellant granted an interim order, meaning thereby, restoring the earlier order passed by the learned single Judge.

4. When the intra Court appeal is taken up for hearing today, the learned counsel for the appellant and the learned counsel for the first respondent jointly submitted that interests of justice would be sub-served in case the matter is posted before the learned single Judge for final disposal at an early date. The counsel on both sides further submitted that the Writ Petition should be heard uninfluenced by any of the observations made by the learned single Judge with respect to the merits of the case in the order impugned in this appeal.

5. There is no dispute that initially interim order was granted by the learned single Judge. The interim order was subsequently vacated after filing counter affidavit by the first respondent with an application. It is also a matter of record that in the present appeal this Court was pleased to grant an interim order to preserve the status quo. We are of the view that instead of taking up the issue on merits by this Court, it would be in the interest of both parties to take up the Writ Petition for final disposal.

6. The order passed by the learned single Judge, which is impugned in this intra Court Appeal is set aside. We direct the Registry to post the Writ Petition for final disposal before the learned single Judge as per roster. The matter will be decided by the learned single Judge on its own merits uninfluenced by

any of the observations made in the order impugned in this intra court appeal. It is open to the parties to make a request before the learned single Judge for an early disposal of the Writ Petition.

7. The intra Court appeal is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner of Archaeology
Egmore, Chennai - 600 008.

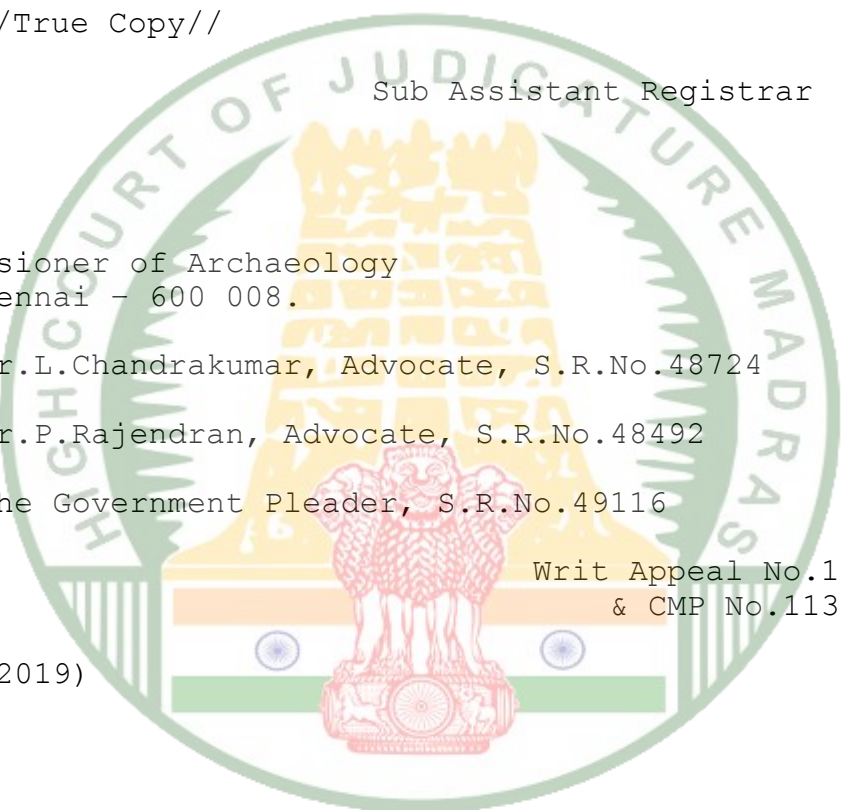
+1 cc to Mr.L.Chandrakumar, Advocate, S.R.No.48724

+1 cc to Mr.P.Rajendran, Advocate, S.R.No.48492

+1 cc to the Government Pleader, S.R.No.49116

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SV(CO)
SSM(25/07/2019)



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