

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Nineteenth day of February Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE S.M.SUBRAMANIAM

W.M.P.Nos.17440, 17442, 17444, 17446, 17448, 17450, 17452, 17454,
17456, 17458, 15933, 15935, 15937, 15939, 15941, 15943, 15945,
15947, 15949, 19102 of 2018

in

W.P.Nos.14757, 14758, 14759, 14760, 14761, 14762, 14763, 14764,
14765, 14766, 13520, 13521, 13522, 13523, 13524, 13525, 13526,
13527, 13528, 16073 of 2018

A.BALAMURUGAN	... PETITIONER in WMP No.17440 of 2018
S.GANESAN	... PETITIONER in WMP No.17442 of 2018
S.MURUGANANTHAM	... PETITIONER in WMP No.17444 of 2018
M.SUJATHA	... PETITIONER in WMP No.17446 of 2018
R.RAVISHANKAR	... PETITIONER in WMP No.17448 of 2018
P.NARMATHA	... PETITIONER in WMP No.17450 of 2018
S.EZHILAN	... PETITIONER in WMP No.17452 of 2018
R.SUGUNA	... PETITIONER in WMP No.17454 of 2018
V.RAVIKUMAR	... PETITIONER in WMP No.17456 of 2018
K.BHAVANIDEVI	... PETITIONER in WMP No.17458 of 2018
M.THULASILAKSHMI	... PETITIONER in WMP No.15933 of 2018
T.ADHIYAMAN	... PETITIONER in WMP No.15935 of 2018
D.PRABAKARAN	... PETITIONER in WMP No.15937 of 2018
P.MANIMEKALAI	... PETITIONER in WMP No.15939 of 2018
M.PUNITHA	... PETITIONER in WMP No.15941 of 2018
T.THANIKACHALAM	... PETITIONER in WMP No.15943 of 2018
V.LOGANATHAN	... PETITIONER in WMP No.15945 of 2018
S.ARUMUGAM	... PETITIONER in WMP No.15947 of 2018
P.NAGARATHINAM	... PETITIONER in WMP No.15949 of 2018
G.SASTIKUMARI	... PETITIONER in WMP No.19102 of 2018

Vs

1 THE ADDITIONAL CHIEF SECRETARY, TO GOVERNMENT, HOME (TRANSPORT IV) DEPARTMENT, SECRETARIAT, CHENNAI-9. [1 & 2 RESPONDENTS IN ALL THE PETITIONS]

2 THE TRANSPORT COMMISSIONER
CHEPAUK, CHENNAI-5.

3 T.AMALRAJ, S/O.THANGARASU, [3 TO 8 RESPONDENTS IN WP.15933/18]
ASSISTANT,
O/O ASSISTANT ACCOUNTS OFFICER,
TRANSPORT DEPARTMENT CHENNAI
SOUTH ZONE, CHENNAI 78.

4 G.GOPALAKRISHNAN
S/O.K.G.ARUMUGAM (LATE)
ASSISTANT
O/O REGIONAL TRANSPORT OFFICER,
COIMBATORE SOUTH, COIMBATORE.

5 M.KAMARAJ, S/O.S.P.MUTHUSAMY,
ASSISTANT, O/O.STATE TRANSPORT AUTHORITY
CHEPAUK, CHENNAI 05.

6 P.ARUNACHALAM,
S/O.PALANISAMY, ASSISTANT,
O/O.STATE TRANSPORT AUTHORITY,
CHEPAUK, CHENNAI 05.

7 D.THIYAGARAJAN,
S/O.R.DHARANIMUTHU, ASSISTANT,
O/O.STATE TRANSPORT AUTHORITY,
CHEPAUK, CHENNAI 05.

8 A.RAJA, S/O.ANGAMUTHU,
ASSISTANT,
O/O.STATE TRANSPORT AUTHORITY,
CHEPAUK, CHENNAI 05.

[R.3 TO 8 ARE IMPEADED AS PER ORDER DATED 6.7.2018 BY SPIJ IN
WMP.20360/2018 IN WP.13520/2018]

Petitions praying that in the circumstances stated therein
and in the respective affidavits filed therewith the High Court
will be pleased to

1 WMP No.17440 of 2018

To stay the impugned order passed by the first respondent herein
in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,
<https://hcservices.ecourts.gov.in/hcservices/>

2 WMP No.17442 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

3 WMP No.17444 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

4 WMP No.17446 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

5 WMP No.17448 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

6 WMP No.17450 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

7 WMP No.17452 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

8 WMP No.17454 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

9 WMP No.17456 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

10 WMP No.17458 of 2018

To stay the impugned order passed by the first respondent herein in his Letter No.76210/ Tr.IV/2015-9 dated 1.12.2017,

11 WMP No.15933 of 2018

to stay the impugned order passed by the first respondent herein in his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2017,

12 WMP No.15935 of 2018

To stay the impugned order passed by the 1st respondent herein in his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2017

13 WMP No.15937 of 2018

to stay the impugned order passed by the first respondent herein in his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2107

14 WMP No.15939 of 2018

To stay the impugned order passed by the 1st respondent herein in his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2017

15 WMP No.15941 of 2018
to stay the impugned order passed by the first respondent herein
in his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2017,

16 WMP No.15943 of 2018
to stay the impugned order passed by the first respondent herein
in his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2017, pending
disposal of the above writ petition

17 WMP No.15945 of 2018
to stay the impugned order passed by the first respondent herein
in his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2017,

18 WMP No.15947 of 2018
To stay the impugned order passed by the 1st respondent herein in
his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2017

19 WMP No.15949 of 2018
to stay the impugned order passed by the first respondent herein
in his Letter No. 76210/Tr.IV/2015-9 dated 01.12.2017,

20 WMP No.19102 of 2018
To STAY the impugned order passed by the first respondent herein
in his letter No.76210 / Tr. IV / 2015 - 9 dated 01.12.2017

Order : These petitions coming on for orders upon perusing the petition and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.RAVI SHANMUGAM, Advocate for the petitioner in each the petitions and of M/S.S.T.S.MOORTHY, AAG Assisted by M/S.V.KATHIRVELU, Special Government Pleader on behalf of the respondents in all the petitions and of M/S.G.SANKARAN, Advocate for the 3 to 8 respondents in WMP.No.15933/2018 the court made the following order:-

The learned counsel for the petitioner fairly made a submission that the adjudication of the issues raised in the present writ petitions require some deliberations. However, on account of the interim orders granted, the entire promotional opportunity of the employees to the post of Office Superintendents is stalled. The post of Office Superintendent is the important post in the establishment of the Government Department. Thus, large number of posts of Office Superintendents cannot be kept vacant and unfilled for unspecified period in the interest of public administration as well as in the interest of persons who are all aspiring to get promotion to the post of Office Superintendent. The interim orders already granted by this Court requires modification. Accordingly, following orders are passed:

(i) The interim orders granted by this Court on 06.07.2018 stands vacated.

(ii) The respondent department is directed to grant promotions to all the eligible persons as per the rules in force without any further lapse of time.

2. However, it is made clear that all such promotions granted during the pendency of the writ petition are subject to the final orders to be passed in the present writ petitions. The said position may be clarified in the promotion orders which are all to be issued hereafter.

3. The other grounds which are raised in the writ petitions are to be decided at the time of final hearing. Accordingly, vacate stay petitions and stay petitions stand disposed of.

4. Registry is directed to list the Writ Petitions for final hearing after two weeks.

-sd/-

19/02/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF SECRETARY, TO GOVERNMENT, HOME (TRANSPORT IV) DEPARTMENT, SECRETARIAT, CHENNAI-9.

2 THE TRANSPORT COMMISSIONER
CHEPAUK, CHENNAI-5.

COPY TO

3 THE SECTION OFFICER,
WRIT SECTION,
HIGH COURT, CHENNAI.

C.C. to M/S.RAVI SHANMUGAM Advocate Sr.No.2495

C.C. to M/S.G.SANKARAN, Advocate on payment of necessary charges
The Government Advocate, High Court, Madras - 104.

Order
in

W.M.P.Nos.17440, 17442, 17444, 17446, 17448, 17450, 17452, 17454,
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13527, 13528, 16073 of 2018

Date :19/02/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format

KP(25/02/2019)

<https://hcservices.ecourts.gov.in/hcservices/>