

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

PRESENT

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.M.P.Nos.28365 & 26064 of 2018

W.M.P.Nos.5047 & 4942, 532 of 2019

in W.P.Nos.24364,22235 of 2018 and 523 of 2019

N.VASANTHI [PETITIONER IN WMP.28365/2018
& 1ST RESPONDENT IN WMP.5047 & 4942/2019
IN WP.24364/2018]

1 S.BALAKRISHNAN [1 TO 10 PETITIONERS IN WMP.26064/2018
DEPUTY TAHSILDAR IN WP.22235/2018]
(ELECTIONS),RASIPURAM TALUK,
NAMAKKAL DISTRICT

2 T.MOHANRAJ,
HEADQUARTERS DEPUTY TAHSILDAR,
TALUK OFFICE, KOLLIHILLS,
NAMAKKAL DISTRICT

3 S.SASIKUMAR,
ZONAL DEPUTY TAHSILDAR,
TALUK OFFICE, P.VELUR,
NAMAKKAL DISTRICT

4 K.GEETHA,
ZONAL DEPUTY TAHSILDAR, सत्यमेव जयते
RASIPURAM, NAMAKKAL DISTRICT

5 V.SUNDAR,
TALUK SUPPLY OFFICE, TALUK OFFICE,
RASIPURAM,NAMAKKAL DISTRICT

6 C.PRAKASH,
ZONAL DEPUTY TAHSILDAR,
KUMARAPALAYAM,
TALUK OFFICE, NAMAKKAL DISTRICT

7 V.KALAIVANI,
TALUK SUPPLY OFFICER,
TALUK OFFICE, PARAMATHI VELUR,
NAMAKKAL DISTRICT

8 S.NESAMALAR,
HEAD ASSISTANT, R.SECTION,
NAMAKKAL, COLLECTORATE, NAMAKKAL DISTRICT

9 N.VASANTHI,
ZONAL DEPUTY TAHSILDAR,
TALUK OFFICE,
SENDAMANGALAM, NAMAKKAL DISTRICT

10 M.KARTHIKEYAN,
ADDITIONAL HEAD ASSISTANT,
SUB COLLECTOR OFFICE, NAMAKKAL

M.KARTHIKEYAN [PETITIONER IN WMP.532/2019]

Vs

1 STATE OF TAMIL NADU [1 & 2 RESPONDENTS IN WMP.28365/2018
REP. BY THE ADDITIONAL IN WP.24364/2018 & WMP.26064/2018
CHIEF SECRETARY/COMMISSIONER IN WP.22235/2018 & WMP.532/2019
OF REVENUE ADMINISTRATION, IN WP.523/2019 & 1 & 2 PETITIONERS
CHEPAUK, CHENNAI - 600005 IN WMP.5047/2019 IN WP.24364/2018
& 2 & 3 RESPONDENTS IN WMP.4942/2019
IN WP.24364/18]

2 THE DISTRICT COLLECTOR
NAMAKKAL DISTRICT

3 V.GOVINDARAJA, [3RD RESPONDENT IN WMP.28365/2018
SPECIAL SENIOR REVENUE INSPECTOR, IN WP.24364/2018 & WMP.26064/2018
SRI LANKAN REFUGEE CAMP, IN WP.22235/2018 & WMP.532/2019
M. METTUPATTI, MOHANUR TALUK, IN WP.523/2019 & 2ND RESPONDENT
NAMAKKAL - 637 105 INWMP.5047/2019IN WP.24364/2018&
PETITIONER IN WMP.4942/2019
IN WP.24364/2018]

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

(1)grant an interim stay of all further proceedings pursuant to the Circular No. Na.Ka. 20719/ 2018/ A-2 dated 10.09.2018 issued by the 2nd respondent (in WMP.28365/2018);

(2)To stay the impugned order of the first respondent vide proceedings NO.Ser.3(3) / 25427 / 2018 dated 13.8.2018(in WMP.26064/2018);

(3) To Vacate the Interim Order granted on 17.09.2018 made in WMPNo.28365 of 2018 in WP No.24364 of 2018.(in WMP.5047/2019);

(4) To recall the Order passed by this Honourable Court in WMP No.28365 of 2018 in WP No.24364 of 2018 dated 17.9.2018(in WMP.4942/2019) and

(5) To grant an interim say of all further proceedings pursuant to the Circular No.Na.Ka.20719/2018 A-2 dated 10/09/2018 issued by the second respondent (in WMP.532/2019) respectively pending WP.Nos.24364, 22235/2018 & 523 of 2019.

Order :These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.C.K.CHANDRASEKKAR, Advocate for the petitioner in WMP.28365/2018 in WP.24364/2018 & WMP.532/2019 IN WP.523/2019 and for the 1st Respondent IN WMP.5047 & 4942/2019 IN WP.24364/2018 and of M/S.S.VIJAYAKUMAR Advocate for the petitioner in WMP.26064/2018 in WP.22235/2018 and of MR.A.N.THAMBIDURAI SPL.GOV.T.PLEADER on behalf of the Respondents 1 & 2 in WMP.28365/2018 in WP.24364/2018 and WMP.26064/2018 in WP.22235/2018 & WMP.532/2019 in WP.523/2019 & 1 & 2 petitioners in WMP.5047/2019 in WP.24364/2018 & 2 & 3 respondents in WMP.4942/2019 in WP.24364/2018 and of MR.G.POONAMBALA THIYAGARAJAN Advocate for the 3rd respondent in WMP.28365/2018 in WP.24364/2018 and WMP.26064/2018 in WP.22235/2018 & WMP.532/2019 IN WP.523/2019 and for the 2nd respondent in WMP.5047/2019 in WP.24364/2018 & PETITIONER IN WMP.4942/2019 IN WP.24364/2018 the court made the following order:-

The prayer in the main writ petition is to call for the records relating to the Circular No.Na.Ka.20719/2018 A-2 dated 10.09.2018. The circular dated 10.09.2018 is nothing but instructions issued to the authorities concerned to send proposals/particulars of eligible candidates for the purpose of preparation of panel to the post of Deputy Tahsildar for the years 2016, 2017, 2018. The said circular is under challenge.

2. This Court is of the opinion that even in case there are certain disputes in the seniority or otherwise, the same could be settled by way of complete adjudication. Contrarily, entire promotions cannot be stalled, as filling up of the public posts are of paramount importance for the purpose of providing service to the people at large, and in the event of stalling promotions in entirety, public service to be provided will get disturbed.

3. This being the factum, the interim order granted on 17.09.2018 stands vacated. The respondents are at liberty to prepare the panel to grant promotions, subject to the final orders to be passed in the present writ petitions. It is made clear that

in the order of promotion, the authorities should state that the promotions are subject to the final result of these writ petitions.

4. Accordingly, petitions filed seeking interim stay in W.M.P.Nos.26064,28365 of 2018 and 532 of 2019 are dismissed and petitions filed to vacate the stay in W.M.P.Nos.5047 & 4942 of 2019 are allowed.

-sd/-
28/03/2019

/ TRUE COPY /

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

TO

1 THE ADDITIONAL CHIEF SECRETARY
/ COMMISSIONER OF REVENUE ADMINISTRATION,
GOVERNMENT OF TAMILNADU,
CHEPAUK, CHENNAI - 600005

2 THE DISTRICT COLLECTOR
NAMAKKAL DISTRICT

C.C. to M/S.C.K.CHANDRASEKKAR Advocate on payment of
necessary charges

Order
in

W.M.P.Nos.28365 & 26064 of 2018

W.M.P.Nos.5047 & 4942, 532 of 2019

in W.P.Nos.24364,22235 of 2018 and 523 of 2019

Date :28/03/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VS 09.04.2019