

CMP Nos.20395, 10756 and 20409 of 2019
in
WA No.1565 of 2019

S.MANIKUMAR, J.
AND
D.KRISHNAKUMAR, J.

(Order of the Court was made by S.MANIKUMAR, J)

Instant Writ Appeal is filed against the common order made in WP No.13520 of 2018 etc. batch dated 13.03.2019, by which the writ Court, while disposing of the writ petitions, ordered as hereunder:-

“54. Accordingly, the following orders are passed:-

(1) The order impugned passed by the first respondent in letter No.76210/Tr.IV/2015-9 dated 1.12.2017 is quashed.

(2) The respondents are directed to pass necessary orders, granting relaxation of Rule 30(c) of the Tamil Nadu Ministerial Service Rules in favour of the writ petitioners and also ratify the act of the competent authority in granting promotions to the post of Assistant to all these writ petitioners, without undergoing the training for a period of one year in the post of Junior Assistant. Such an exercise of passing an order shall be done by the respondents, within a period of four weeks from the date of receipt of a copy of this order.

(3) After complying with the directions given above, the respondents are directed to consider the names of all the eligible persons in the cadre of Assistant, who all are fit for promotion to the post of Superintendent, including the writ petitioners and accordingly, grant promotion with reference to the inter se

seniority list published in R.No.24449/R3/2016 (E.O.No.191/2018)
dated 23.5.2018.”

2. Record of proceedings shows that while admitting the writ appeal, a Hon'ble Division Bench of this Court vide order dated 29.04.2019 in CMP No.10756 of 2019, has granted interim stay of the operation of the order impugned in the writ appeal.

3. Mr.T.Adhiyaman and 18 others have filed CMP No.20395 of 2019 in WA No.1565 of 2019 for impleading themselves as respondents in WA No.1565 of 2019. Reasons assigned for impleading are as hereunder.

“2. It state that though separate writ petitions were filed by us for relaxation of Rule 30(c) and for promotion as Superintendent for the year 2016-2017 and 2017-2018, this writ appeal has been filed against WP No.13520 of 2018 filed by one Tmt.M.Thulasilakshmi.

3. I state that we are all necessary and proper parties in the above writ appeal as it is a common decision in all the 20 writ petitions. Any decision rendered in this writ appeal would adversely affect our promotions as Superintendent for the year 2016-2017 and 2017-2018. Therefore, we are necessary and proper parties in this writ appeal as per various decisions of the Apex Court.

4. I state that the appellants in this writ appeal have deliberately not filed writ appeals against other writ petitions. The

appellants should have impleaded us as necessary and proper parties in this writ appeal. The above writ appeal is liable to be dismissed for non joinder of necessary parties. There are several Assistants who will be affected by the decision to be rendered in the above writ appeal as the common legal issue involved is whether granting of relaxation is necessary for administrative fault. Hence, we are necessary and proper parties in the above writ appeal.”

4. Mr.G.Sankaran, learned counsel for the appellants in WA No.1565 of 2019 has no objection for the impleading petition being ordered.

5. Placing on record the above and having satisfied with the reasons in the supporting affidavit to CMP No.20395 of 2019, this Court is of the view that the petitioners in CMP No.20395 of 2019, are necessary and proper parties for effective adjudication of the lis in the instant writ appeal. ***Therefore, CMP No.20395 of 2019 in WA No.1565 of 2019, is ordered. Registry is directed to carry out the necessary amendments.***

6. It is brought to the notice of this Court by Mr.Ravi Shanmugam, learned counsel for the respondents now impleaded, that though as early as on 29.04.2019 the appellants have obtained an order of interim stay of the order passed by the writ Court, for nearly nine months, they have not even

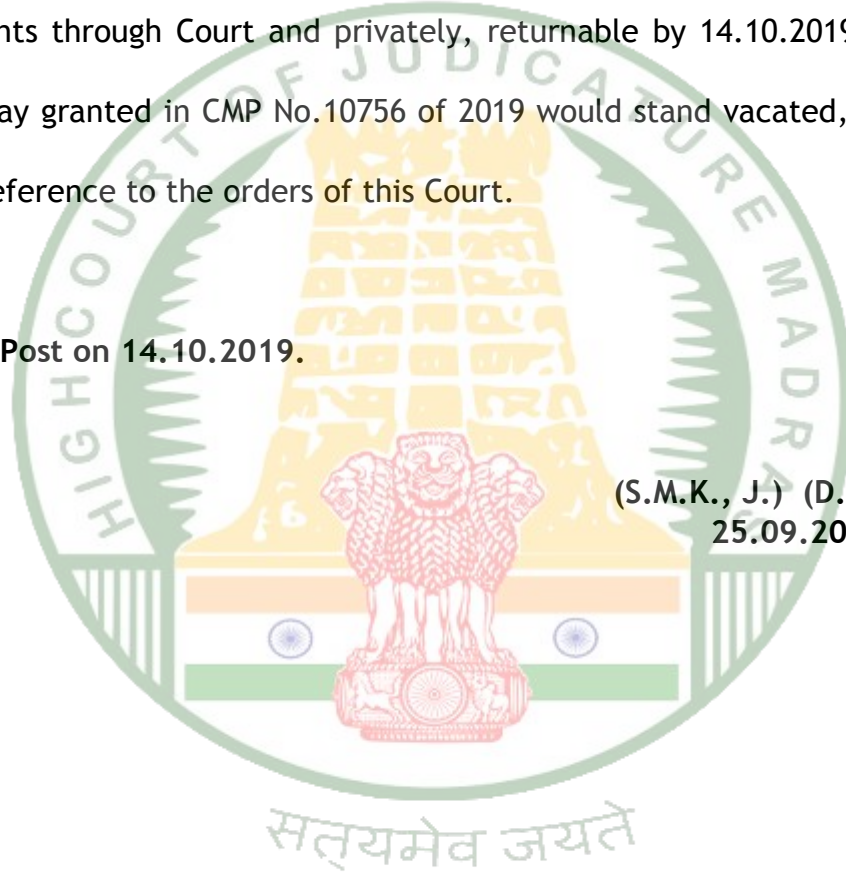
filed 'batta with petition' for service on the respondents and therefore, Registry could not even issue notice to respondents 2 to 5.

7. Having regard to the above, time is granted to take notice on the respondents through Court and privately, returnable by 14.10.2019, failing which, stay granted in CMP No.10756 of 2019 would stand vacated, without further reference to the orders of this Court.

8. Post on 14.10.2019.

(S.M.K., J.) (D.K.K., J.)
25.09.2019

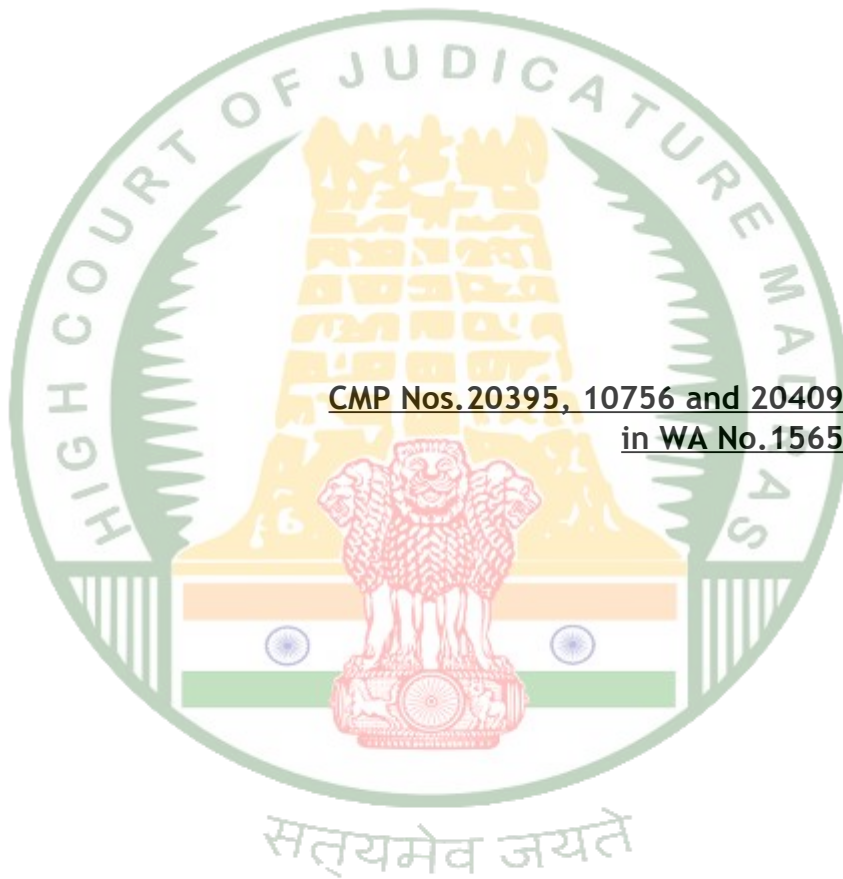
ars



WEB COPY

S.MANIKUMAR, J.
AND
D.KRISHNAKUMAR, J.

ars/dm



CMP Nos.20395, 10756 and 20409 of 2019
in WA No.1565 of 2019

WEB COPY

25.09.2019