



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.10.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.1645 of 2019 and

WMP(MD)NO.1396 of 2019

WEB COPY

G.Saravanan

... Petitioner

Vs.

1.Additional Chief Secretary to Government,
Government of Tamilnadu,
Secretariat,
Fort St.George,
Chennai-9.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order passed by the first respondent in his proceedings in G.O.(D) No.1484 Home (Courts-VIA) Department dated 21.12.2018 and letter of the second respondent in his proceedings in Roc.D2/12996/2017, dated 11.01.2019 and quash the same as illegal, arbitrary and consequently direct the respondents 1 and 2 to re-instate the petitioner as the post of Additional Government Pleader (LAOP Cases).

For Petitioner : Mr.G.Gomathi Sankar

For Respondents: Mr.K.Chellapandian

Additional Advocate General

assisted by Mr.K.MU.Muthu,

Additional Government Pleader

ORDER

Writ Petitioner is a member of the Bar practicing in civil and criminal Courts in Sivagangai. Writ Petitioner was appointed as 'Additional Government Pleader' ('AGP' for brevity) for LAOP cases. This Court is informed that 'LAOP' stands for 'Land Acquisition Original Petitions' and such appointment was made vide Government Order dated 05.01.2018 being G.O(D)No.32. To be noted, writ petitioner was appointed as State Counsel earlier on more than one



occasion by way of earlier Government Orders, but it is not necessary to advert to the same in the light of the trajectory which this writ petition has taken today at the hearing.

2. Vide Government Order dated 21.12.2018, being G.O.(D) No.1484, the appointment of writ petitioner as AGP in the aforesaid manner was terminated and another learned member of the Bar was put in-charge of pending LAOP cases in Subordinate Court, Sivagangai till a regular tenure appointment is made.

3. This 'Government Order dated 21.12.2018 being G.O.(D) No.1484' shall hereinafter be referred to as 'first impugned order' for sake of brevity, clarity and convenience. Pursuant to the first impugned order, jurisdictional District Collector - second respondent before this Court has sent a 'communication dated 11.01.2019 bearing Roc.D2/12996/2017' to the writ petitioner, regarding the contents of the impugned order, this communication from jurisdictional District Collector (second respondent) has also been assailed in instant writ petition and therefore, the same shall be referred to as 'second impugned order'.

4. Today in the hearing, learned Counsel for writ petitioner Mr.G.Gomathi Sankar is before this Court along with writ petitioner himself ie., Thiru.G.Saravanan, who is present in person.

5. Prayer in the writ petition reads as follows:

'For the reasons stated in the accompanying affidavit, it is pray that this Hon'ble Court may be pleased to Writ of Certiorarified Mandamus to to call for the entire records pertaining to the impugned order passed by the first respondent in his proceedings in G.O.(D) No.1484 Home (Courts-VIA) Department dated 21.12.2018 and letter of the second respondent in his proceedings in Roc.D2/12996/2017, dated 11.01.2019 and quash the same as illegal, arbitrary and consequently direct the respondents 1 and 2 to re-instate the petitioner as the post of Additional Government Pleader (LAOP Cases) and pass such order as tis Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.'

6. It was submitted that regular tenure appointment as Additional Government Pleader is in the anvil and therefore instant writ petition was filed. Notwithstanding the aforesaid prayer, notwithstanding the circumstances under which instant writ petition came to be filed, learned Counsel for writ petitioner, on instructions from writ petitioner who is present in Court in person, submits that writ petitioner would give up his plea / prayer qua the tenure appointment which is in the anvil, if he is relieved of the stigma qua first impugned order. It was submitted that the contents of first impugned order stigmatizes the writ petitioner and that is



what had impelled the writ petitioner to file instant writ petition. In other words, learned Counsel for writ petitioner and writ petitioner himself submit that it will suffice if writ petitioner is relieved of the stigma.

7. In the light of the aforesaid stand taken by learned Counsel for writ petitioner and writ petitioner, learned Additional Advocate General Thiru.K.Chellapandian submits that some other orders have been passed (on the same lines as first impugned order) with regard to some other State Counsel and therefore in the light of stated position of writ petitioner, there can at best be eschewing of all the observations which according to the writ petitioner stigmatizes him without setting aside the operative portion of the same.

8. As the anxiety of the writ petitioner is only to eschew the observations in the first impugned order which cause a stigma qua writ petitioner who is a learned member of the Bar, all the observations in the first impugned order are eschewed. In other words, observations in first impugned order shall not be put against the writ petitioner in the days to come / in future. However, the operative portion of the impugned order, where the writ petitioner's appointment as AGP vide G.O.(D)32, dated 05.01.2018 is terminated and another learned member of the Bar is put in-charge is sustained. It is also made clear that there is no impediment for the respondents to appoint a new incumbent ie., make tenure appointment as contemplated in the first impugned order. Consequently, as regards the second impugned order, the communication from jurisdictional District Collector regarding termination of appointment of writ petitioner as State Counsel alone is sustained.

9. Learned Counsel for writ petitioner has made an endorsement in the case file to the aforementioned effect.

10. It is also made clear that this order shall not serve as a precedent or shall be pressed into service as a precedent when other similar Government Orders are put to challenge, as this order has been passed in the peculiar facts and circumstances of instant case and in the light of the stated position of the writ petitioner ie., abridging the scope and prayer of instant writ petition.

11. Instant Writ Petition is disposed of with the above observations. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



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To

1.Additional Chief Secretary to Government,
Government of Tamilnadu,
Secretariat, Fort St.George,
Chennai-9.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Sivagangai,
Sivagangai District.

+1 CC to SPL GP (SR-93576[F] dated 22/10/2019)

+1 CC to Mr.G.GOMATHI SANKAR, Advocate (SR-94027[F] dated
23/10/2019)

W.P (MD) No.1645 of 2019
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VB(04.11.2019) 4P 6C