



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Thirtieth day of July Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR

WMP(MD) No.13460 TO 13462 of 2019

IN

WP(MD) No.11557 of 2019

1 A. KARUPPASAMY
2 R. RAJESHKANNAN
3 L. UKKIRAPANDI
4 T. UMADEVI
5 M. JEYAM
6 M. SHANTHI
7 R. PAUL PANDI
8 S. SURESH KUMAR
9 G. RAMACHANDRAN
10 G. AMUDHA
11 M.MUTHUMURUGAN

... PETITIONERS/PROPOSED

RESPONDENTS 4 TO 15 IN WMP(MD)No.13460 OF 2019

1.S.ARUL KUMAR,
2.T.SELLAPERUMAL,
3.S.SUGUMARAN,
4.G.K.SENTHILKUMARAN,
5.R.GUNASEKAR,
6.M.RAMAMOORTHY,
7.P.MURUGESAN,

...PETITIONERS 1 TO 7/PROPOSED

RESPONDENTS NO.4 TO 10 IN WMP(MD)NO.13461 OF 2019

THE REGISTRATION DEPARTMENT SC/ST&MDC,
EMPLOYEES GENERAL WELFARE SANGAM,
REP BY ITS GENERAL SECRETARY,
NO.18, LUZ CHURCH ROAD,
PATTINAPAKKAM, CHENNAI 600 028.

...PETITIONER/PROPOSED

RESPONDENT No.4 IN WMP(MD)NO.13462 OF 2019

Vs

1 S. LOGANATHAN

...RESPONDENT NO.1/WRIT PETITIONER
IN ALL WMP'S

2 THE GOVERNMENT OF TAMIL NADU
REP BY ITS SECRETARY, BACKWARD CLASSES AND
MOST BACKWARD CLASSES WELFARE
(BCC), DEPARTMENT , SECRETARIAT, CHENNAI-600 009.



3 THE PRINCIPAL SECRETARY TO GOVERNMENT,
COMMERCIAL TAXES AND REGISTRATION
(K) DEPARTMENT, SECRETARIAT, CHENNAI-600 009.

4 INSPECTOR GENERAL OF REGISTRATION,
SANTHOME HIGH ROAD, CHENNAI-600 009.

... RESPONDENTS 2 TO 4/
RESPONDENTS 1 TO 3 IN ALL WMP'S

PRAYER IN WMP(MD)13460 OF 2019:

To VACATE THE STAY of the order dated 08-05-2019 in WMP (MD). No.8817/2019 in WP (MD).No.11557 of 2019 on the file of the Honourable Court.

PRAYER IN WMP(MD)Nos. 13461 &13462 OF 2019:

To vacate the stay in WMP (MD).No.8817/2019 in Writ Petition in WP(MD)No.11557 of 2019.

PRAYER IN WMP (MD).No.8817/2019:

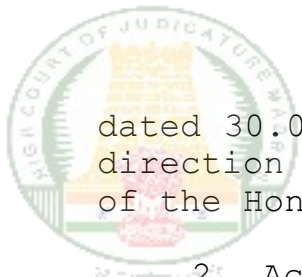
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the impugned letter (Ms).No.17 dated 30.01.2019 passed by the 2nd respondent in so far as paragraphs 6 and 7 of the impugned letter is concerned, pending disposal of the above Writ Petition.

PRAYER IN WP(MD)11557 OF 2019:

To issue a Writ of Certiorarified Mandamus to call for the records made in the impugned letter (Ms.)No.17 dated 30.01.2019 passed by the 2nd respondent quash the same in so far as paragraphs 6 and 7 of the impugned letter is concerned and further direct the respondents to implement the order of the Hon'ble Supreme Court dated 11.09.2018 prospectively.

(prayer amended vide court order dated 23.07.2019 in WMP(MD) No.9924/2019).

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.BALASUBRAMANI, Advocate for the petitioners in WMP(MD)Nos.13460 of 2019 in WP(MD)No.11557 of 2019 and Mr.VEERAKATHIRAVAN, Senior Counsel for Mr.T.SAKTHIKUMARAN, Advocate for the petitioners in WMP(MD)Nos.13461 & 13462 of 2019 in WP(MD) No.11557 OF 2019 and of Mr.T.N.RAJAGOPALAN, Advocate for Mr.M.V.VENKATASESHAN, Advocate for R1 in all WMPs, Mr.M.MURUGAN, Government Advocate for R2 in all WMPs and Mr.AAYIRAM K.SELVAKUMAR, Additional Government Pleader for R3 & R4 in all WMPs, the Court made the following order:



dated 30.01.2019, passed by the third respondent herein and further direction to the respondents 2 to 4 herein to implement the order of the Hon'ble Supreme Court, dated 11.09.2018, prospectively.

2. According to the first respondent/writ petitioner, he was duly recruited as Junior Assistant in the Registration Department through TNPSC and appointed on 17.11.1994 and was promoted as Assistant on 09.11.1998 and thereafter, he was further promoted as Sub-Registrar Grade - II on 15.02.2014 under the provisions of recruitment by transfer from the post of Assistant and subsequently, on 31.03.2017, he was promoted as Sub-Registrar Grade - I. Pursuant to the judgment passed by the Hon'ble Supreme Court in SLP(C)Nos.5588 and 5589 of 2006, dated 11.09.2018, the third respondent herein has issued the present impugned letter. If the said impugned letter is given effect to and the respondents 2 to 4 herein have revised the panel, the first respondent/writ petitioner will be reverted back to the lower post and therefore, he seeks interim protection till the disposal of the Writ Petition.

3. The learned counsel appearing for the first respondent/writ petitioner has placed legal submissions before this Court that the decision of the Hon'ble Supreme Court will be prospective and cannot be retrospective and if the same is given retrospective effect, it will cause prejudice to the rights of the first respondent/writ petitioner.

4. In reply to the above said submissions of the learned counsel for the first respondent/writ petitioner, the learned Senior Counsel appearing for the petitioners in W.M.P.(MD)Nos.13461 and 13462 of 2019 submitted that the said impugned letter issued by the third respondent implementing the judgment passed by the Hon'ble Supreme Court, dated 11.09.2018, is perfectly valid and therefore, if any interim order is granted by this Court, it would delay in implementing the judgment of the Hon'ble Supreme Court, dated 11.09.2018 and already the petitioners suffered for several years for getting their promotional rights to higher post.

5. Considering the facts and circumstances of the case, it is relevant to extract below Paragraph No.11 of the judgment of the Hon'ble Supreme Court, dated 11.09.2018, passed in S.L.P.(C)No.5588 of 2006:-

'11.If that is so, the rule of reservation set out in Rule 22 of the Rules read with the specific provisions of the Tamil Nadu Commercial Taxes Subordinate Service Rules, Tamil Nadu Registration Subordinate Service Rules and the Tamil Nadu Revenue Subordinate Service Rules would govern the matter and benefit of reservation would be available in posts of Deputy Registrar, ACTO and Sub-Registrar Grade II for Backward Class Category also following recruitment by transfer to the said posts.'

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

6. Pursuant to the said judgment of the Hon'ble Supreme Court,

dated 11.09.2018, the present impugned letter was issued by the third respondent herein on 30.01.2019.

7. Both the learned counsel appearing for the parties represented before this Court that the connected Writ Petitions in W.P.Nos.14853 and 14869 of 2019 are pending before the Principal Bench of this Court and the same are likely to be taken up for hearing on 06.08.2019. Therefore, it is for the parties concerned to move the Registry, for clubbing all the matters together and taken up for final disposal.

8. In view of the above said fact, the interim order already granted by this Court, dated 08.05.2019, in W.M.P.(MD)No.8817 of 2019 in W.P.(MD)No.11557 of 2019 is modified to the effect that if any revisional promotion panel is prepared by the respondents 2 to 4, shall be subject to the outcome of the Writ Petition. Till such time, the first respondent/writ petitioner shall not be reverted to the lower post.

sd/-
30/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE GOVERNMENT OF TAMILNADU
REP BY ITS SECRETARY,
BACKWARD CLASSES AND MOST BACKWARD
CLASSES WELFARE (BCC) DEPARTMENT,
SECRETARIAT, CHENNAI-09.
- 2 THE PRINCIPAL SECRETARY TO GOVERNMENT,
COMMERCIAL TAXES AND REGISTRATION (K) DEPARTMENT,
SECRETARIAT, CHENNAI-09.
- 3 THE INSPECTOR GENERAL OF REGISTRATION,
SANTHOME HIGH ROAD, CHENNAI-28.

+2. C.C. to MR.M.V.VENKATASEHSAN Advocate SR.No.12606
+1CC TO MR.T.SAKTHI KUMARAN ADVOCATE SR.12565
+1CC TO M/S.A.THIRUMURTHY ADVOCATE SR.12566

ORDER
IN
WMP(MD) No.13460 TO 13462 of 2019
IN
WP(MD) No.11557 of 2019
Date :30/07/2019