

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.Nos.28084 & 28218 of 2014
and M.P.Nos.2, 1 & 2 of 2014

Swarnam J.Natarajan

... Petitioner in WP.No.28084/2014

G.T.Ambika

... Petitioner in WP.No.28218/2014

-vs-

1.The Registrar General
High Court of Judicature at Madras,
Chennai - 600104.

2.The Secretary to Government,
Law Department,
Government of Puducherry.

3.G.Sendil Kumar,
Principal Subordinate Judge,
Cuddalore,
Cuddalore District.

4.S.Mohanakumari
Secretary, District Legal Services Authority,
Vellore District,
Vellore.

5.V.Sofana Devi,
Special Sub-Judge - I,
Special Sub-Court for MCOP Cases,
Small Causes Court,
Chennai.

... Respondents in both WPs

Common Prayer : Writ Petition filed under Article 226 of
Constitution of India, praying to issue a Writ of
Certiorari to call for the records of Notification

No.168/2014 in R.O.C.No.1534 / 2013 / RG / B1 / Spl.Cell / B2, dated 17.10.2014 passed by the 1st respondent and quash the same, so far as it promotes the 3rd to 5th respondents as District Judges (Entry Level) in Puducherry Judicial Service.

For Petitioner in : M/s.A.Edwinprabakar
WP.No.28084/2014

For Petitioner in : No appearance
WP.No.28218/2014

For Respondents in : Mr.Syed Mustafa
both WPs Special Plead Government
[R2] (Puducherry)
Mr.V.Ayyadurai
Senior Counsel
for Mr.A.Durai Eswar
[R1]

COMMON JUDGMENT

(Delivered by The Hon'ble Chief Justice)

The two writ petitioners had come up before this Court, questioning the promotions of the private respondents on the ground that their seniority has been erroneously fixed and therefore, they should be placed over and above the said private respondents.

2. In view of the orders passed and the directions issued by the High Court, in W.P.Nos.9350 & 13629 of 2009, decided on 28.11.2014 and the order of the SLP affirming the same on 12.03.2018, the seniority of the petitioners has been now re-fixed by the High Court through the official memorandum dated 07.01.2020 that has been placed before us. The same is extracted hereinunder:

"The seniority of the six Judicial Officers of the Puducherry Judicial Service was fixed by the High Court, as per roster, at the time of their recruitment to the post of Civil Judge in the Puducherry Judicial Service, during the year 2002, as hereunder:-

- (i) Thiru G.Sendil Kumar,
- (ii) Tmt.S.Mohanakumari,
- (iii) Tmt.V.Sofana Devi,
- (iv) Thiru Swarnam J.Natarajan,
- (v) Thiru S.Isvarane,
- (vi) Tmt.G.T.Ambika,

Thiru. Swarnam J.Natarajan and
Tmt.G.T.Ambika had filed the Writ Petitions
under reference 1st cited before the Hon'ble

High Court of Madras, for re-fixation of their original seniority i.e., seniority as per merit/marks obtained by them at the time of their appointment to the post of Civil Judge in the Puducherry Judicial Service.

The Hon'ble Division Bench of this Court in the orders passed under reference 1st cited has directed the Government of Puducherry and Registry of the High Court of Madras, to re-fix the seniority of the petitioners i.e., Thiru Swarnam Natarajan, Tmt.G.T.Ambika and the impleaded fifth respondent i.e., Thiru S.Isvarane over and above Thiru G.Sendil Kumar and 2 others.

The Registry of the High Court had filed Special Leave Petition challenging the orders passed by the Hon'ble Division Bench and the said SLP was dismissed by the Hon'ble Supreme Court as per the reference 2nd cited,

The above matter was considered by the High Court and now, as per the Judicial pronouncements the seniority of the aforesaid six judicial officers of Puducherry Judicial Services, is re-fixed as hereunder i.e. as per Merit i.e., marks obtained at the time of recruitment to the post of Civil Judge in the Puducherry Judicial Service:-

- (i) Thiru Swarnam J.Natarajan
- (ii) Thiru S.Isvarane
- (iii) Tmt.G.T.Ambika
- (iv) Thiru G.Sendil Kumar
- (v) Tmt.S.Mohanakumari
- (vi) Tmt.V.Sofana Devi

Thiru Swarnam J.Natarajan, Thiru S.Isvarane and Tmt.G.T.Ambika are eligible for all consequential benefits flowing therefrom, as per the orders passed in Writ Petitions under reference 1st cited."

3. Learned counsel for the petitioners submits that in view of this re-fixation, it is no longer necessary to pursue the writ petitions but he has filed another typed set of papers, bringing on record the said official memorandum, as also a representation stated to have been filed on 10.02.2020 before the High Court, seeking consequential benefits.

4. Having considered the same, we consign these petitions to the records with liberty to the petitioners to pursue their representation dated 10.02.2020, which shall

be considered by the High Court in accordance with law.
No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

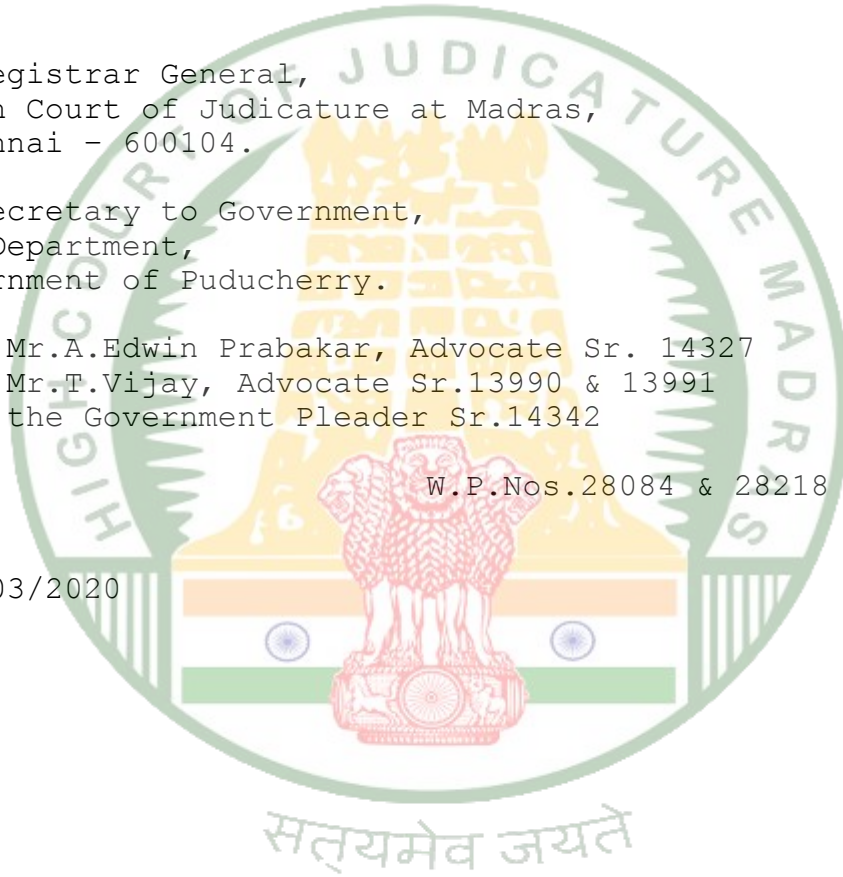
To

- 1.The Registrar General,
High Court of Judicature at Madras,
Chennai - 600104.
- 2.The Secretary to Government,
Law Department,
Government of Puducherry.

+2cc to Mr.A.Edwin Prabakar, Advocate Sr. 14327
+2cc to Mr.T.Vijay, Advocate Sr.13990 & 13991
+1cc to the Government Pleader Sr.14342

W.P.Nos.28084 & 28218 of 2014

mp[co]
srg 11/03/2020



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