



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]Nos.105 & 106 of 2020
and
C.M.P(MD)Nos.934, 936, 937 & 938 of 2020

1.K.Saravanan
2.G.Ignacy
3.M.Rani : Appellants in both writ appeals

Vs.

1.M.Radhakrishnan : 1st Respondent in W.A.[MD]No.105/2020
1.P.Kamalapushpam : 1st Respondent in W.A.[MD]No.106/2020

2.The Director,
Adi Dravidar Welfare Department,
Chepauk,
Chennai.

3.The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District,
Tirunelveli. : Respondents 2&3 in both writ appeals

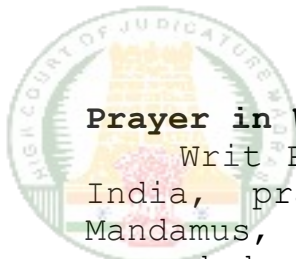
4.A.Annam
5.K.Soundarapandian
6.G.Shanmugaraj

7.M.Palanichamy : Respondents 4 to 7 in W.A.[MD]No.105/2020

[R4 to 7 are impleaded vide order dated
03.03.2021 in C.M.P.[MD]No.2172/2021.]

COMMON PRAYER:

Writ Appeals filed under Clause 15 of the Letters Patent, praying to set aside the common order passed in W.P(MD)No.22276 & 22277 of 2018, dated 25.11.2019 on the file of this Hon'ble Court and allow this Writ Appeal.



Prayer in WP(MD). 22276/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the 2nd respondent vide her proceedings in Na.Ka.No. A3/30588/2017 dated 24.11.2017 and quash the same and consequently direct the 2nd respondent to promote the petitioner to the post of B.T. Assistant (Tutor cum Warden) with effect from the date of said order and further direct the 2nd respondent to accord the petitioner all sort of benefits to be attached on account of such promotion.

Prayer in WP(MD). 22277/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the 2nd respondent vide her proceedings in Na.Ka.No. A3/30588/2017 dated 24.11.2017 and quash the same and consequently direct the 2nd respondent to promote the petitioner to the post of B.T. Assistant (Tutor cum Matron) with effect from the date of said order and further direct the 2nd respondent to accord the petitioner all sort of benefits to be attached on account of such promotion.

For Appellants	:	Mr.S.Louis
		[In both Writ Appeals]
For R1	:	Mr.K.Gurunathan
		[In W.A.[MD]No.105/2020]
For R1	:	Mr.P.Gunasekaran
		[In W.A.[MD]No.106/2020]
For R2 & R3	:	Mr.R.Baskaran
		Standing Counsel for Government
		[In both Writ Appeals]

JUDGMENT

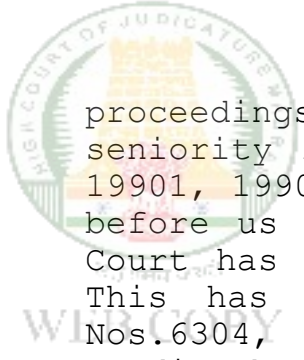
[Judgment of the Court was delivered by **T.S.SIVAGNAM, J.**]

With the consent on either side, these Writ Appeals are taken up for final disposal.

2.These Writ Appeals are directed against the common order dated 25.11.2019 in W.P(MD)No.22276 & 22277 of 2018.

3.We have elaborately heard Mr.S.Louis, learned Counsel appearing for the appellants and Mr.R.Baskaran, learned Standing Counsel for Government appearing for the second and third respondents.

4.The private respondents filed the writ petition challenging the proceedings dated 24.11.2017 passed by the District Adi Dravidar and Tribal Welfare Officer, Tirunelveli and for a consequential direction to promote them to the post of B.T.Assistant (Tutor cum Warden). Though such was the relief sought for, the learned Writ



proceedings dated 24.11.2017 and directing to prepare a fresh seniority list in terms of the order passed in W.P.[MD]Nos.19900, 19901, 19902 and 19903 of 2017 dated 27.10.2017. It is not disputed before us that the order and direction issued by the learned Writ Court has been complied with and a seniority list has been drawn. This has been put to challenge by the appellants in W.P.[MD] Nos.6304, 6313, 6316 & 6315 of 2021 and those writ petitions are pending before the learned Single Bench.

5. In such circumstances, we are of the view that the writ appeals need not be kept pending before this Court as the order and direction issued by this Court has worked itself out. However, we are conscious of the fact that the rights of the parties should not be prejudiced in any manner because at the instance of the appellants, the seniority list has been challenged in W.P.[MD] Nos.6304, 6313, 6316 & 6315 of 2021. Therefore, we dispose of these writ appeals with an observation that it will be open to the appellants as well as the private respondents to canvass all issues in the pending writ petitions, including the ground which have been raised before us by the appellants in these appeals.

6. We are informed by Mr.S.Louis learned Counsel for the appellants that when the writ petitions were pending before the learned Single Bench, the third respondent herein namely, the District Adi Dravidar and Tribal Welfare Officer, Tirunelveli has passed an order dated 01.07.2021, reverting the appellants and the order has been served on 05.07.2021 and the appellants are in the process of challenging the same.

7. In our considered view, when a litigation is pending before the Division Bench as well as before the learned Single Bench and in the impugned order before us, no direction has been granted to promote the respondents in the writ appeals. It is not clear as to why the authorities have precipitated the matter by issuing reversion order. This has resulted only in the increase of the litigation which could have been avoided. In any event, since the appellants are going to challenge the order dated 01.07.2021, by filing separate petitions and with a view not to create any uncertainty, we direct suspension of the operation of the order of reversion dated 01.07.2021 till 27.07.2021. Within the said period, it will be open to the appellants to approach the learned Single Bench by way of writ petitions and the learned Single Bench shall consider the same on merits and in accordance with law as to whether the appellants are entitled for any interim protection.

8. With the above observations, these Writ Appeals are disposed of. We make it clear that during the pendency of these writ appeals, if promotions have been given to the private respondents, the same shall not be disturbed and will abide by the orders to be passed by the learned Writ Court in the writ petitions to be filed by the appellants, challenging the orders of reversion dated 01.07.2021. However, there shall be no order as to costs.



Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar (CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director,
Adi Dravidar Welfare Department,
Chepauk,
Chennai.

2.The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.S.LOUIS, Advocate (SR-21787[F] dated
08/07/2021)

+1 CC to M/s.K.GURUNATHAN, Advocate (SR-21902[F] dated
09/07/2021)

W.A. [MD]Nos.105 & 106 of 2020

08.07.2021

KMK (CO)

LR (16.07.2021) 4P 5C