



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM :

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THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.500 of 2022
and
C.M.P.No.3624 of 2022

1. M.Nalini @ Rathna
2. S.Muruganantham
- 3.B.Savareson
- 4.K.Arun
- 5.R.Sivasankari
- 6.S.Kirubakaran
- 7.G.Dhanalakshmi
- 8.C.Ranbahadur

..Appellants/Petitioners

vs

1. The State of Tamil Nadu,
Rep. by Commissioner and Secretary
to Government, Labour and
Employment Department, Fort St. George,
Chennai - 09.
2. The Commissioner of Labour,
Chennai-06.
3. G.Rajaraman
4. John Jawahar Edwin
5. I.Hegin Felix Thivianath
6. A.Manoranjitham
7. C.N.Prabakaran
8. G.Ezhilarasan
9. P.Balasubramanian
- 10.M.Mayavathi
- 11.A.Kumaresan
- 12.T.Ram Mohan
- 13.T.Thirukumaran

..Respondents/Respondents



Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 11.02.2022 passed in W.M.P.No.7468 of 2019 in W.P.No.29973 of 2018 on the file of this Court.

Prayer in W.M.P.No.34980 of 2018 : To vacate the interim order of status Quo granted on 15.11.2018 in W.M.P.No.34980 of 2018 in W.P.No.29973 of 2018.

Prayer in W.P.No.29973 of 2018:Writ Petition filed under Article 226 of the Constitution of India calling for the records relating to the proceedings of the 2nd respondent in the proceedings in E4/46812/2016 and dated 08.12.2016 and the consequential seniority list in E4/5115/2018 dated 27.02.2018 and quash the same as illegal.

For the Appellants : Mr.K.S.Viswanathan
for Mr.S.Sivakumar

For the Respondents : Mr.S.Silambanan
Addl. Adv. General-II
assisted by Mrs.E.Ranganayaki,
Addl.G.P.

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

By this appeal, a challenge is made to the order passed in the writ petition where the interim order of status quo was vacated.

2.The status quo was initially passed by a learned Single Judge in reference to the seniority list. It was on challenge alleging violation of quota and rota rules. The interim order has been vacated by the impugned order of the learned Single Judge, however, with the observation that if any promotion is made, it will remain subject to final outcome of the writ petition. Thus, the rights of the appellants have been safeguarded, otherwise, the interim order in the form of status quo to deny promotion affects the administration because in absence of promotion, they may not be in a position to carry out the administrative work. As against the aforesaid, if no interim order is passed and during the pendency of the writ petition challenging seniority, if promotion is given, it always remains subject to final outcome of the writ petition and otherwise, specifically this has been directed by the learned Single Judge while disposing the application. Thus, we do not find any reason to cause interference in the order.



The writ appeal is accordingly dismissed summarily. It would be open for the appellant to make an application for early hearing of the writ petition. No costs. Consequently, C.M.P.No.3624 of 2022 is closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Commissioner and Secretary
to Government, State of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai - 09.
2. The Commissioner of Labour,
Chennai-06.

Copy To

The Section Officer,
Writ Section,
High Court,
Madras - 104.

+lcc to Mr.S.Sivakumar, Advocate, S.R.No.16507

W.A.No.500 of 2022

NRJK(CO)
RGA(17/03/2022)