



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Sixteenth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE R.MAHADEVAN

AND

THE HON`BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

CMP.No.21277 of 2021

AND MP.No.1 of 2015

IN W.A.No.318 of 2015

THE SECRETARY TO GOVERNMENT,
LAW DEPARTMENT,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI-600 009.

[PETITIONER IN CMP.No.21277/2021 &
1ST RESPONDENT IN MP.No.1 of 2015]

Vs

1 C.NAGARAJAN

[1 TO 9 RESPONDENTS IN CMP.No.21277/2021
& PETITIONER IN MP.No.1 of 2015]

2 THE SECRETARY TO GOVERNMENT, [2 TO 9 RESPONDENTS IN MP.No.1/2015]
PERSONNEL AND ADMINISTRATIVE REFORMS
DEPARTMENT, SECRETARIAT FORT ST. GEORGE,
CHENNAI-600 009.

3 P.ANBUCHOLAN

4 I.MANGALARAJ IMMANUEL

5 V.RENUKA DEVI

6 P.THAMARAI SELVI

7 K.S.KAMALAPPOOMATHI

8 L.K.VETRIVEL

9 K. MOHAN



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim injunction order in MP.No. 01 of 2015 in WA.No. 318 of 2015 dated 06.03.2015 and (IN CMP.No.21277 of 2021) pending disposal of the above W.A.No.318 of 2015 and

(ii) To grant an Ad-Interim Injunction, restraining the respondents 1 and 2 from promoting the respondent 3 to 9 as Deputy Secretary to Government before considering my name for promotion as Deputy Secretary to Government (IN MP.No.1 of 2015) pending disposal of the above W.A.No.318 of 2015

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.SILAMBARASAN, Additional Advocate General assisted by MR.R.RAVICHANDRAN, Additional Government Pleader for the Petitioner in CMP.No.21277/2021 and 1st Respondent in MP.No.1 of 2015 and of 2nd Respondent in both the Petitions and of MR.V.GOVARTHANAN, Advocate for M/S.ROW AND REDDY, Advocate for the 1st Respondent in CMP.No.21277/2021 and Petitioner in MP.No.1 of 2015 and of MR.L.CHANDRAKUMAR, Advocate for the 3, 4, 6 to 9 Respondents in both the Petitions and of MR.A.R.SURESH, Advocate for the 5th Respondent in both the Petitions, the court made the following order:-

(Order of the court was made by R.MAHADEVAN, J.)

Heard all the parties and perused the materials available on record.

2. In MP.No.1 of 2015 in WA.No.318 of 2015, this court passed the following order on 06.03.2015:

"Mr.N.G.R.Prasad, learned counsel for the appellant/ writ petitioner submits that there are number of vacancies available as of now in different posts and if the post in respect of the appellant is filled up, his rights will be defeated.

Considering the same, the respondents 1 and 2 are directed to keep one post of Deputy Secretary to Government, vacant, until further orders.

..."



3.Now, the first respondent in the writ appeal has filed a petition in CMP.No.21277 of 2021, seeking to vacate the aforesaid interim order granted on 06.03.2015, stating that the Law Department is an advisory department to all other departments of secretariat, apart from drafting work and the increasing trend of litigation has enormously increased the work load of law department and therefore, a vacancy in the post of Deputy Secretary to Government in view of the aforesaid interim order of this court, causes inconvenience to the smooth functioning of this department. It is further stated therein that by G.O(Ms) No.330 Law (OP-III) Department, dated 28.12.2018, the appellant has been temporarily promoted as Deputy Secretary to the Government subject to the outcome of the writ appeal and he is now, working on other duty as Law Officer in the office of the Directorate of School Education in the cadre of Deputy Secretary to Government (Law).

4.Taking note of the submissions made on the side of the first respondent in WA.No.318 of 2015, with respect to promotion of the appellant to the post of Deputy Secretary to Government, which have also been agreed upon by the learned counsel for the appellant, the interim order granted on 06.03.2015 in MP.No.1 of 2015 in WA.No.318 of 2015, stands modified to the effect that "the respondents may fill up the post, which is kept vacant in view of the said interim order of this court, with eligible candidate".

5.With these modifications, both the miscellaneous petitions stand disposed of.

6.List the writ appeal after four weeks.

-sd/-
16/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO THE GOVERNMENT,
LAW DEPARTMENT, SECRETARIAT,
FORT ST. GEORGE,
CHENNAI - 600 009.



2 THE SECRETARY TO THE GOVERNMENT,
PERSONNEL AND ADMINISTRATIVE
REFORMS DEPARTMENT, SECRETARIAT,
FORT ST. GEORGE,
CHENNAI-600 009.

C.C. to M/S. ROW AND REDDY, Advocate SR.NO. 1839/2022.

Order
in
CMP.No.21277 of 2021

AND MP.No.1 of 2015

IN W.A.No.318 of 2015

Date :16/03/2022

From 26.2.2001 the Registry is issuing certified
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