



WEB COPY



W.A.No.615 of 2022

CMP No.9855 of 2022 and

CMP No.4377 of 2022 in

W.A.No.615 of 2022

D.KRISHNAKUMAR, J.

AND

K.KUMARESH BABU, J.

(Order of this Court was made by D.KRISHNAKUMAR, J.)

This appeal was listed for hearing on several occasions. When the matter was listed for hearing on 03.06.2024, at request of the learned counsel for the appellant, time was granted by informing that, if the counsel for the appellant not ready on the next hearing date, the interim order already granted by this court will be considered and appropriate orders will be passed.

2. Today also, the learned counsel for the appellant seeks time and the learned counsel for the respondents also seeks short accommodation for his turn.

3. We have gone through the materials on records.

4. The appellant/writ petitioner was temporarily promoted as ECG Technician by transfer of service, vide order dated 24.08.2015 and subsequently, she was reverted back to her original post of Sanitary worker, vide order dated 10.05.2016. Therefore, challenging the above reversion order, the appellant/ writ petitioner had filed the writ petition.



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5. The learned Single Judge has rejected the prayer to quash the reversion order on the ground that the promotion of the petitioner to the post of ECG Technician is an abuse of the procedure, as contemplated under G.O.Ms.No.1176, dated 17.06.1986. The appellant has not satisfied the eligibility criteria for promotion to the post of ECG Technician and she was appointed as Sanitary worker in the Department, which is not a feeder category to the above said post. In such circumstances, we are of the view that no prima facie case is made out to continue the interim order already granted by this court and hence, the same is liable to be vacated.

6. The learned counsel for the fourth respondent/Department has filed the CMP No.9855/2022 to vacate the interim order granted by this Court, dated 21.03.2022.

7. Accordingly, *the petition in CMP No.9855/2022 to vacate the stay, is allowed. Consequently, the CMP No.4377/2022 is dismissed and the interim order already granted therein, dated 21.03.2022 is vacated.*

8. Post the main writ appeal after four weeks.

(D.K.K., J.) (K.B., J.)

10.06.2024

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