

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2304 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC

P. Asaithambi & Ors. .. Appellants

Vs.

Chief Judicial Magistrate Tanjore & Ors... Respondents

O_R_D_E_R@@
AAAAAAAAA

The appellants before us were working as Copyists in the office of the first respondent coming under category 5 in Class IV of the Tamil Nadu Judicial Ministerial Service. The appellant No. 4 before us was appointed to the post of Examiner which is category 5 in Class IV of the said service. The appellant No. 4 was temporarily promoted as Steno Typist by an order dated 7.4.1982. The appellant No.3 was promoted as Steno Typist on 2.12.1982 by an order made on 2.12.1982. While appellant No. 1 was promoted on 15.10.1985 as Stenographer and was regularised on the said post on 15.3.1988, appellant No.2 was promoted on 3.4.1989 as Stenographer and was regularised on the said post on 15.4.1989.

The appellants were ordered to be reverted by an order made on 21.1.1991 to the post of Copyist/Examiner. Their case is that no opportunity was given to them

-2-

before reverting them to the post of Copyist/Examiner inasmuch as they could not put forth their case that they are entitled to be considered for the post of Typists which is the next higher grade available to them. When the order of reversion was made, the same was challenged before the High Court. The High Court stated that when the appellants admittedly were not qualified nor they had passed the requisite examination under the said Rules; even if they had been served with any notice before reversion, it would not serve any purpose and therefore no relief can be granted to them and on that basis dismissed the writ petition.

It is no doubt true that the case, as is sought to be put forth before us, was not pleaded before the High Court. All that was stated before the High Court was that the appellants were entitled to be served with a notice and not that even if they are not entitled to continue as Steno-Typist, they can at least continue as Typist.

Under these circumstances the High Court could not grant the relief as sought for by the appellants.

However, that should not determine the matter. Notwithstanding the order made by the High Court,

-3-

appropriate direction to the first respondent is to consider the case of the appellants as to whether they are eligible and fit to be appointed as Typists and give them appropriate relief after examining their cases and subject to the vacancies being available. The appeal stands disposed of accordingly.

.SP1

.....J@@
AAAAAAAAAAAAAAAAAAAA
[S. RAJENDRA BABU] @@
AAAAAAAAAAAAAAAAAAAA

.....J
[P.VENKATARAMA REDDI]

New Delhi,@@
AAAAAAAAAAAA
February 13,2002.

.PA

.....L.....I.....J
ITEM NO.107 COURT NO. 5 SECTION-XII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.2304/2001

P. Asaithambi & Ors. .. Appellants

Vs.

Chief Judicial Magistrate .. Respondent(s)
Tanjore & Ors.
(With office report)

DATE : 13.2.2002 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s) : Mr. R. Nedumaran, Adv.

For Respondent (s) :

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J

.SP2

Mr. R. Nedumaran, learned counsel for the appellants started his arguments at 3.10.p.m. and

concluded at 3.35 p.m.

The appeal stand disposed of in terms of the signed order.

.SP1

(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file