

TN district judges assail Madras HC's seniority policy

CHENNAI: Discontent among Tamil Nadu's subordinate judicial officers, simmering for years over seniority-related anomalies, has come out in the open with Tamil Nadu Judges Association challenging the legality of Madras high court's seniority policy. The case has vertically divided the entire subordinate judiciary - with directly recruited district judges on one side, and the rest of subordinate judicial officers including promotee district judges on the other side.

Direct recruitment of 23 district judges, and according them conditional seniority from the date of their appointment, and recommending seven other district judges for elevation as high court judges, have outraged promotees who first rushed to the Supreme Court with a writ petition.

In their writ petition, Tamil Nadu Judges Association said though the apex court had as early as in 1995 directed all high courts to frame rules to determine seniority of judicial officers as per roster principle, Madras high court was yet to implement the order. In 2007, Madras high court did frame rules, but Rule 8 triggered a controversy, as it said date of appointment will decide seniority of a person directly recruited as district judge. Noting that the 1995 Supreme Court order made it clear that the 40-point roster principle should be followed while according seniority, and adding that the high court had violated the ruling, the writ petition wanted the rule to be struck down.

On May 9, an apex court bench of Chief Justice T S Thakur, Justice R Banumathi and Justice Uday Umesh Lalit permitted withdrawal of the case, but clarified that Madras high court could examine whether Rule 8 did indeed suffer from any constitutional infirmity.

Last week, a division bench of Justice Hlurvadi G Ramesh and Justice M V Muralidharan issued a notice to its own high court, rekindling hopes among promotee district judges, while panicking others whose seniority is likely to come under scanner.

There are three key components to the controversy, according to the petition, filed by the association president and district judge R V R Deenadayalan. First is the apex court judgment in the R K Sabharwal case where it had concluded that roster principle-based allocation of seniority alone would end prospective litigations from judicial officers. It had also asked all high courts to frame rules within a timeframe. Second is the apex court ruling in the All India Judges Association case in 2002,

which laid down percentage details for promotion on the basis of merit, experience and direct recruitment. Third is the Madras high court's Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007, which controversially left out roster principle.

The unfortunate action of the high court would adversely affect and prejudice the seniority of promotee officers, most of whom had put in more than 25 years of service, the petition said. Calling the rules completely contrary to the apex court direction, the association said it was compelled to seek judicial remedy after its representations and reminders to high court did not have any effect.

Many promotee officers have lost their chance/seniority to be elevated to the Supreme Court, it said, adding that in January 2014 the high court recruited 23 district judges with a rider that their final seniority would be determined after amendment to statutory rules. It is vindication of promotee officers' stance, the petition said, and added that they were hopeful the high court would implement the apex court's roster-based promotion policy.