

## SUPREME COURT OF INDIA

This relates to the proposal for appointment of three Judicial Officers and one Judicial Member of ITAT, whose relevant particulars are given below, as Judges of the Madras High Court:

Sl. No.	Name S/Shri	Date of Birth	Age As on 31.08.17 Y.M.	Date of occurrence of vacancy	Age on the date of occurrence of vacancy
1	Mrs. S. Ramathilagam Chief Judge, Puducherry U.T.	25.09.1957	59.11	21.12.2015	58.02
2	Mrs. R. Tharani, Principal District Judge, Madurai	10.06.1961	56.02	05.02.2016	54.07
3	P. Rajamanickam Registrar (Judicial) Principal Bench of Madras High Court	31.05.1959	58.03	12.05.2016	56.11
4	Mr. Vasudevan V. Nadathur Judicial Member, ITAT Kolkatta	29.04.1961	56.04	20.05.2016	55.00

The above recommendation made by the then Chief Justice of the Madras High Court, in consultation with his two senior-most colleagues, on 16<sup>th</sup> December, 2016 has the concurrence of the Chief Minister and the Governor of the State of Tamil Nadu.

In order to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted

our colleagues who are conversant with the affairs of the Madras High Court. Copies of letters of their opinion received in this regard are placed below.

As per the existing guidelines issued by the Government of India on 24<sup>th</sup> September 2004, “a Judicial Officer will be eligible for being considered for elevation as a Judge of the High Court if he is or was within the prescribed age limit of 58-1/2 years on the date of occurrence of the vacancy against which he is being considered, irrespective of when the Collegium recommends him for elevation as a Judge of the High Court.” As per record, Smt. S. Ramathilagam, has crossed the aforesaid prescribed age limit, but, since she was well within the prescribed age limit of 58-1/2 years on the date of occurrence of vacancy against which her name is being considered, her name can be considered for elevation.

As regards Smt. S. Ramathilagam (mentioned at Sl. No. 1 above), while one of the two consultee-colleagues has offered no views about her suitability, the other colleague has found her suitable for elevation. Judgment Committee has awarded her Judgments as ‘Very Good/Good’. Intelligence Bureau has reported that she enjoys a good personal and professional image and nothing adverse has come to notice against her integrity.

As regards Smt. R. Tharani (mentioned at Sl. No. 2 above), while one of the two consultee-colleagues has offered no views about her suitability, the other colleague has found her suitable for elevation. Judgment Committee has awarded her Judgments as ‘Good/Average’. Intelligence Bureau has reported that she enjoys a good personal and professional image and nothing adverse has come to notice against her integrity.

As regards Shri P. Rajamanickam (mentioned at Sl. No. 3 above), while one of the consultee-colleagues has offered no views about his suitability, the other colleague has found him suitable for elevation. Judgment Committee has awarded his Judgments as 'Very Good/Good'. Intelligence Bureau has reported that he enjoys a good personal and professional image and nothing adverse has come to notice against his integrity.

As regards Shri Vasudevan V. Nadathur, Judicial Member, ITAT(mentioned at Sl. No. 4 above), while one of the two consultee-colleagues has offered no views about his suitability, the other colleague has not found him suitable for elevation. As per record, his name was also recommended by the Collegium of the Calcutta High Court on 28.11.2016 and the Government of West Bengal has expressed its disagreement. Record placed before us also shows that the proposal for his elevation initiated on a previous occasion by the Collegium of the Bombay High Court was rejected by the Supreme Court Collegium on 1<sup>st</sup> August, 2013. A complaint pointing out this fact has also been received in the office of the Chief Justice of India. Keeping in view the views of the consultee-Judges and the material on record the Collegium is of the considered opinion that Shri Vasudevan V. Nadathur is not suitable for elevation to the High Court Bench.

While considering the above proposal, we have also taken note of the fact that the above proposal involves non-recommendation of many senior Judicial Officers. Many of them have given representations putting forth their grievances of having been over-looked by the High Court Collegium. In this regard, we have gone through the letter dated 23<sup>rd</sup>December, 2016 of the then Chief Justice of the Madras High Court who has duly recorded reasons for not recommending names of these Judicial Officers. We are satisfied with the reasons assigned by him and find no merit in the said representations which deserve to be rejected.

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Considering the material on record, including views of the consultee-Judges and the judgment assessment report, the Collegium finds (1) Smt. S. Ramathilagam, (2) Smt. R. Tharani, and (3) Shri P. Rajamanickam, Judicial Officers suitable for elevation to the High Court Bench.

In view of the above, the Collegium resolves to recommend that (1) Smt. S. Ramathilagam, (2) Smt. R. Tharani, and (3) Shri P. Rajamanickam, Judicial Officers, be appointed as Judges of the Madras High Court. Their *inter se* seniority be fixed as per the existing practice.

( Dipak Misra ), C.J.I.

( J.Chelameswar ), J.

( Ranjan Gogoi), J.



October 03, 2017