

## **SUPREME COURT OF INDIA**

This file relates to the proposal for appointment of the following eleven Advocates, as Judges of the Madras High Court:

1. Shri A.V. Radhakrishnan
2. Shri C. Emalias
3. Ms. P.T.Asha
4. Shri M. Nirmal Kumar
5. Shri Subramonium Prasad
6. Shri B. Pugalendhi
7. Shri Senthilkumar Ramamoorthy
8. Shri N. Anand Venkatesh
9. Shri G.K. Ilanthiraiyan
10. Shri Krishnan Ramasamy
11. Shri C. Saravanan

The above recommendation has been unanimously made by the then Chief Justice of the Madras High Court on 19<sup>th</sup> December, 2016 in consultation with his two senior-most colleagues.

The Chief Minister and the Governor of the State of Tamil Nadu have concurred with the proposal for elevation of all the above-named recommendees.

In order to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted our colleagues conversant with the affairs of the Madras High Court. Copies of letters of opinion of our consultee-colleagues received in this regard are placed below.

Intelligence Bureau has reported, *inter alia*, that all the above-named recommendees enjoy good personal and professional image and that nothing adverse has come to notice against their integrity.

As regards Shri A.V. Radhakrishnan (mentioned at Sl. No.1 above), he is more than 57 years of age. Even on the date of recommendation of the High Court Collegium he had crossed the maximum age limit of 55 years prescribed for Advocates recommended for elevation to the High Court Bench. Having regard to above, he is not found suitable for elevation to the High Court Bench.

As regards Shri C. Emalias (mentioned at Sl. No.2 above), as per record, though as on date he is more than the maximum age limit of 55 years prescribed for Advocates recommended for elevation to the High Court Bench, he was well within the said prescribed age limit on the date of recommendation of the High Court Collegium. Thus, his name can be considered for elevation.

As regards Shri B. Pugalendhi (mentioned at Sl.No.6 above), certain adverse but unconfirmed inputs have been received by the Collegium. The Collegium considers it appropriate to get the same verified before taking final decision on the proposal for his elevation. Consideration of the proposal for his elevation can wait till the verification is got done by the Collegium. In that view of the matter, the proposal for elevation of Shri B. Pugalendhi is deferred for the present.

We have taken note of certain complaints against the recommendations made by the High Court Collegium. We find that the allegations made therein are frivolous and / or malicious in nature and appear to have been made with an ulterior motive to put spoke in the wheel of judicial appointment process. In our considered opinion, hardly any credence can be attached to such complaints, particularly in the light of positive material regarding suitability of the recommendees, whose names are being approved by this Collegium.

Considering the material on record, including the views of our consultee-colleagues and the report of the Intelligence Bureau, we find that S/Shri (1) C. Emalias, (2) Ms. P.T.Asha, (3) M. Nirmal Kumar, (4) Subramonium Prasad, (5) Senthilkumar Ramamoorthy, (6) N. Anand Venkatesh, (7) G.K. Ilanthiraiyan, (8) Krishnan Ramasamy, and (9) C. Saravanan, Advocates are suitable for being appointed as Judges of the Madras High Court.

Having regard to the above, the Collegium resolves to recommend that S/Shri (1) C. Emalias, (2) Ms. P.T.Asha, (3) M. Nirmal Kumar, (4) Subramonium Prasad, (5) Senthilkumar Ramamoorthy, (6) N. Anand Venkatesh, (7) G.K. Ilanthiraiyan, (8) Krishnan Ramasamy, and (9) C. Saravanan, Advocates 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.

December 4, 2017.

