

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM

THE HONOURABLE MR. JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR. JUSTICE T.MATHIVANAN

W.P.Nos.19258 to 19260 of 2015
and
M.P.No.1 of 2015

Dinesh ... Petitioner in
W.P.No.19258 of 2015

R.Selvamurugan ... Petitioner in
W.P.No.19259 of 2015

Anandharaj ... Petitioner in
W.P.No.19260 of 2015

vs.

1.Union of India, rep.by
The Commandant,
Indian Reserve Battalion,
Puducherry Police Department,
Gorimedu, Puducherry

2.The Superintendent of Police(HQ),
Puducherry Police Department,
Puducherry

3.The Registraar,
Central Administrative Tribunal,
Madras Bench ... Respondents in
all W.Ps.

Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the entire records in connection with the order dated 26.6.2015 in OA.310/00839/2015, OA.310/00840/2015 and OA.310/00838/2015, respectively, on the file of the 3rd respondent and to quash the same and consequently direct the official respondents 1 and 2 to conduct the Physical Standard Test/Physical Efficiency Test for the petitioners, pursuant to the notification dated 17.10.2014 from the stage where the petitioners were said to be qualified.

For Petitioners in all WPS .. Mr.M.Gnanasekar

For Respondents in all WPS .. Mr.R.Syed Mustafa,
Spl.G.P. (Puducherry)

COMMON ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

These writ petitions arise out of the refusal of the Central Administrative Tribunal to grant an interim order to the petitioners.

2. Heard Mr.M.Gnanasekar, the learned counsel for the petitioners and Mr.R.Syed Mustafa, the learned Special Government Pleader (Puducherry), who takes notice for the respondents.

3. The Government of Puducherry issued a Notification on 17.10.2014 for recruitment to the post of Police Constables in the Indian Reserve Battalion. The petitioners herein applied.

4. It appears that the Physical Efficiency Test and the Physical Measurement Test were conducted during the months of April and May 2015. When the petitioners went for participating in the Physical Measurement and Physical Efficiency test, they were turned out. Therefore, they filed applications in O.A.Nos.838, 839 and 840 of 2015, on the file of the Central Administrative Tribunal. In the applications, the petitioners sought interim orders to permit them to participate in the Physical Efficiency and Physical Measurement Test. As a matter of fact, the Tribunal had granted interim directions in favour of other candidates, who are similarly placed and hence, the petitioners placed reliance upon those interim orders directing the respondents to call some other applicants for Physical Efficiency and Measurement test.

5. However, by an order dated 26.6.2015, the Tribunal rejected the prayer for interim direction, but held that any selection will be subject to the result of the main application. This was done by the Tribunal on account of the submissions made by the learned Special Government Pleader to the effect that the process of conducting these tests were over on 20.06.2015 itself. Therefore, aggrieved by the refusal of the Tribunal to grant similar interim orders, as granted in favour of others, the petitioners have come up with these writ petitions.

6. There is no difficulty in accepting the contention of the learned counsel for the petitioners that when an interim order is granted in favour of one set of individuals, the same benefit should be extended to all others, who are similarly placed. But unfortunately, for the petitioners, it appears, that the process of

conducting these tests were out-sourced by the Government of Puducherry to an agency called e-soft agency. The agency, which commenced the conduct of these tests, appears to have wound up on 20.06.2015, claimed a bill for the services rendered and had gone. It is only on account of this fact that the Tribunal was unable to grant an interim order on 26.6.2015 when the petitioners moved the Tribunal.

7. In other words, things have gone out of control for the Government as well as the Court to extend the benefit of similar interim orders. Hence, the same cannot be faulted.

8. Therefore, the writ petitions are dismissed. However, the Tribunal is requested to take up the original applications before the conduct of the written tests, so that the case of the petitioners can be considered on par with the other persons, who are before the Tribunal and in whose favour interim orders have already been passed. No costs. Connected miscellaneous petitions are dismissed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

msk

To

- 1.The Commandant,
Indian Reserve Battalion,
Puducherry Police Department,
Gorimedu, Puducherry
- 2.The Superintendent of Police(HQ),
Puducherry Police Department,
Puducherry
- 3.The Registrar,
Central Administrative Tribunal,
Madras Bench

3 ccs to Mr.M.Gnanasekar, Advocate, sr. 32556, 32557, 32558
1 cc to Mr.Senior Government Pleader, cum Senior Public Prosecutor,
Pondicherry, Sr. 33007

W.P.No.19258 of 2015

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