

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserve Date :25-01-2016

Date of Decision :29-01-2016

CORAM :

THE HON'BLE DR.JUSTICE S.TAMILVANAN
AND
THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

W.P.No.30441 of 2015
and
M.P.Nos. 1 and 2 of 2015

G.Krishnamoorthy .. Petitioner

Vs.

1. Institution of Mechanical Engineers (India)
Hasmukh Bhawan, Plot No.24,
Behind CIDCO Office,
Near Hiranandani Park,
Sector 4, Khargar,
Navi Mumbai, Maharashtra - 410 210.

2. Union of India represented by
Chairman, Ordinance Factory Board,
10-A, S.K.Bose Road,
Kolkatta.

3. The Director General
Ordinance Factory Board,
10-A, S.K.Bose Road,
Kolkatta.

4. The General Manager
Engine Factory Avadi,
Avadi, Chennai -54.

5. The Registrar
Central Administrative Tribunal
Madras Bench,
Chennai - 600 104.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order, dated 16.07.2015 on the file of the fifth respondent in M.A.No.310/00472/2015 in O.A.No.1665 of 2013 and also quash the same and direct the respondents 2 to 4 to fill up the vacancy in the Grade of Chargeman Grade II (Technical) in the office of the fourth respondent, in accordance with the selection held in

pursuance of the Notification, bearing No.1053, dated 21.06.2013 of the fourth respondent.

For Petitioner : Mr.R.Singgaravelan
for Mr.M.Srividhya

For Respondents : Mr.Sanjay Jain
for Ms.M.Christella for R1
Mr.S.Makesh, ACGSC for R2 to R4

* * * * *

ORDER

(Order of the Court made by S.TAMILVANAN, J)

This Writ Petition has been filed by the petitioner, invoking Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order, dated 16.07.2015 on the file of the fifth respondent in M.A.No.310/00472/2015 in O.A.No.1665 of 2013 and quash the same and direct the respondents 2 to 4 herein to fill up the vacancy in the Grade of Chargeman Grade II (Technical) in the office of the fourth respondent, in accordance with the selection held in pursuance of the Notification, bearing No.1053, dated 21.06.2013 of the fourth respondent.

2. The brief facts of the Original Application is that the petitioner, who is working as Fitter Highly Skilled, took part in the Limited Competitive Departmental Examination (LDCE) on 28.09.2013, for the 25% of the vacancies in the cadre of Chargeman (Tech) to be filled by way of LDCE from amongst persons in all categories of skilled workers or equivalent and above with 2 years experience in the grade. The petitioner having fully qualified to take part in the examination, took part in the said LDCE examination, since he has obtained Diploma in Mechanical Engineering (part-time) through Polytechnic, recognised by the Government of Tamil Nadu and AICTE. The Diploma was obtained by the petitioner with due approval from the Department. In the LDCE held on 28.09.2013, the petitioner was declared as successful candidate in October 2013 and he was placed at Sl.No.3 under the merit quota, i.e., under UR-3. While the petitioner was expecting the official respondents to promote him as Chargeman against the third vacancy, the petitioner came to know that in view of certain directions issued by the Tribunal, some other candidates who had acquired certain educational qualification through distance mode from the Institute of Mechanical Engineering (India), which they claim to be equivalent to Diploma in Mechanical Engineering, the official respondents did not promote the petitioner to the post of Chargeman. Hence, the petitioner filed the Original Application in O.A.No.1665 of 2013, seeking a direction to the respondents to select the candidates for appointment to the post of

Chargeman (Technical / Non-Technical), as per the LDCE held in October 2013, strictly on the basis of the Educational Qualification recognized and affiliated by the All India Council for Technical Education and in accordance with the principles laid down in O.A.No.1408 of 2012, dated 12.04.2013 and also the letter of the Ordinance Factory Board in Proc.No.2982/ LDCE / CM (T&NT) /2013A/NG, dated 12.09.2013.

3. While the above Original Application was pending for disposal, the petitioner filed a Miscellaneous Application, seeking for a direction to promote him against the third vacancy and the said application is still pending before the Central Administrative Tribunal. In the mean while, the first respondent Institute had filed a Miscellaneous Application (M.A.No.310/00472/2015) in the said Original Application before the Tribunal, seeking to implead themselves as one of the respondents.

4. The Central Administrative Tribunal, by the impugned order dated 16.07.2015, allowed the said application, aggrieved by the said order, the petitioner has filed the present writ petition, seeking for the relief as stated supra.

5. Mr.R.Singgaravelan, learned counsel appearing for the petitioner contended that the first respondent had sought to implead himself as a party, on the ground that the relief sought for by the petitioner before the Tribunal is against the candidates, who obtained their educational qualification, that was conferred by that Institute. Learned counsel for the petitioner further contended that the tribunal has failed to consider that the official respondents are empowered to prescribe necessary educational qualifications and hence, any candidate seeking the benefit of departmental examination / promotion, has to comply with the requirements prescribed by the employer. Hence, the first respondent could neither be a necessary party nor a proper party to the Original Application pending disposal before the Tribunal. However, according to the learned counsel for the petitioner, the Tribunal passed the impugned order against the settled legal proposition.

6. Mr. Sanjay Jain, learned counsel appearing for the first respondent has not disputed that the petitioner is presently working as a Fitter Highly Skilled and that he had participated in the LDCE, held on 28.09.2013. The main argument advanced by the learned counsel appearing for the first respondent is that the other employees, who have obtained Diploma from the Institution of Mechanical Engineers (India), the first respondent are also eligible / qualified to take part in the said Examination. According to the learned counsel, the Diploma issued by the first respondent has been recognised by the concerned Department of the Government of India and therefore, their legitimate rights should not be denied by the official respondents herein. According to him, the first respondent is a

necessary party to be impleaded in the Original Application, hence, the impleading petition, filed by the first respondent was allowed by the Central Administrative Tribunal. Hence, the learned counsel argued for the dismissal of the writ petition filed by the petitioner herein.

7. It is seen that the Notification of the official respondent for the LDCE held on 28.09.2013 was made in Notification No.1053, dated 21.06.2013 and the said Notification prescribed eligibility as under :

"Eligibility : The candidates must possess the education qualification laid down SRO-13E as amended by SRO-191 of 28/11/1994 and SRO 66, dated 27.05.2003, which is given below. A candidate possessing the required qualification in terms of these SROs from an institute recognised by Govt. of India is also eligible...."

8. In General, a necessary party or a proper party to decide the issue involved in the lis, could be impleaded by way of filing an application, however, a third party cannot be impleaded for want of locus standi.

9. Learned counsel appearing for the first respondent also drew the attention of this Court to Order 1 Rule 10 of the Code of Civil Procedure and argued that the said provision of law discourage any technical plea, in order to save honest and bonafide claimants from being non-suited. In support of his contention, learned counsel for the first respondent relied on the following decisions :

1. L.Chandra Kumar v. Union of India, (1997) 3 SCC 261
2. Dr.Duryodhan Sahu v. Jitendra Kumar Mishra, (1998) 7 SCC 273
3. Ajit Babu Ors. v. Union of India & Ors. (1997) 6 SCC 473
4. Rapti Commission Agency v. State of U.P, (2006) 6 SCC 522
5. Mamleshwar Prasad v. Kanhaiya Lal, (1975) 2 SCC 232
6. Rupa Ashok Hurra v. Ashok Hurra, (2002) 4 SCC 388
7. A.R.Antulay v. R.S.Nayak, (1988) 2 SCC 602

10. The learned counsel appearing for the petitioner argued that the first respondent, being a third party to the lis could not be impleaded and in support of his contention, he also relied on the following decisions.

1. Dr.Duryodhan Sahu v. Jitendra Kumar Misra, (1998) 7 SCC 273
2. B.Singh (Dr) v. Union of India, (2004) 3 SCC 363
3. Dattaraj Nathuji Thaware v. State of Maharashtra, (2004) 3 SC 376

4. B.Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees' Assn., (2006) 11 SCC 731 (I)
5. Manish Kumar Shahi v. State of Bihar, (2010) 12 SCC 576
6. Hari Bansh Lal v. Sahodar Prasad Mahto, (2010) 9 SCC 655
7. Girjesh Shrivastava v. State of M.P., (2010) 10 SCC 707

11. It is an admitted fact that the petitioner herein had filed O.A.No.1665 of 2013 before the Central Administrative Tribunal against the respondents 2 to 4, wherein the relief sought for is to issue direction to the said respondents to select the candidates for appointment to the post of Chargeman (Technical / Non-Technical) taken part in the LDCE in October 2013, strictly on the basis of the Educational Qualification recognized and approved by the All India Council for Technical Education, in accordance with the principles laid down in O.A.No.1408/12, dated 12.04.2013 and also the letter of the Ordnance Factory Board in Proc.No.2982/LDCE.CM(T&NT)/2013/A/NG, dated 12.09.2013 and make appointment on that basis at the earliest and pass any other appropriate order or Direction, as the Tribunal would deem fit in the circumstances of the case.

12. Mr.R.Singgaravelan, learned counsel appearing for the petitioner mainly contended that the relief sought for by the writ petitioner before the Central Administrative Tribunal is against the respondents 2 to 4 herein and hence, the first respondent, merely because an Institution, which had issued the Diploma to various persons could have no right or locus standi, to seek an order to be impleaded, since the relief sought for in the Original Application is between the employee and the employer and the first respondent is only a third party for seeking any relief before the Central Administrative Tribunal. However, without legally considering the same, the impugned order was passed by the Tribunal, which necessitated in preferring the writ petition, challenging the order.

13. Per contra, Mr.Sanjay Jain, learned counsel for the first respondent drew the attention of this Court to the letter addressed by the petitioner to the General Manager, EFA, Avadi, Chennai-54, wherein the petitioner had asked the General Manager, the fourth respondent herein not to recognise the IME candidates for appearing in LDCE.

14. As contended by the learned counsel appearing for the petitioner, merely because the petitioner had addressed a letter to the fourth respondent, not to recognise the candidates who obtained Diploma from IME, the first respondent herein it would not be sufficient to treat the first respondent as a necessary party or a proper party in the Original Application. So far as, the relief sought for in the application by the petitioner as an employee against the employer, the respondents 2 to 4 herein and the same is within the domain of the Central Administrative Tribunal. Hence, merely on the plea that some employees have got Diploma through the Institute, the first respondent would not be

entitled to raise a plea, as if the relief sought for would likely affect the right of promotion of the said employees and it would not be construed as a legal grievance of the first respondent.

15. Learned counsel appearing for the first respondent drew the attention of this Bench to the ruling of the Hon'ble Apex Court rendered in the Landmark decision, *L.Chandra Kumar v. Union of India*, reported in (1997) 3 SCC 261, wherein, while interpreting scope of Article 368 and Article 13, the Hon'ble Apex Court has held that the power of judicial review is a basic and essential feature of the Constitution. It is not in dispute that the jurisdiction conferred on the High Courts under Article 226 / 227 and on the Supreme Court under Article 32, are part of the basic structure of the Constitution. The Apex Court has ruled in the decision as follows :

"Before moving on to other aspects, we may summarise our conclusions on the jurisdictional powers of these Tribunals. The Tribunals are competent to hear matters where the vires of statutory provisions are questioned. However, in discharging this duty, they cannot act as substitutes for the High Courts and the Supreme Court which have, under our constitutional set-up, been specifically entrusted with such an obligation. Their function in this respect is only supplementary and all such decisions of the Tribunals will be subject to scrutiny before a Division Bench of the respective High Courts. The Tribunals will consequently also have the power to test the vires of subordinate legislations and rules. However, this power of the Tribunals will be subject to one important exception. The Tribunals shall not entertain any question regarding the vires of their parent statutes following the settled principle that a Tribunal which is a creature of an Act cannot declare that very Act to be unconstitutional. In such cases alone, the High Court concerned may be approached directly. All other decisions of these Tribunals, rendered in cases that they are specifically empowered to adjudicate upon by virtue of their parent statutes, will also be subject to scrutiny before a Division Bench of their respective High Courts. We may add that the Tribunals will, however, continue to act as the only courts of first instance in respect of the areas of law for which they have been constituted. By this, we mean that it will not be open for litigants

to directly approach the High Courts even in cases where they question the vires of statutory legislations (except, as mentioned, where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned."

16. It has been made clear by the landmark Judgment that in respect of cases relating to the Tribunals, that without exhausting the remedy, straightaway, no aggrieved party can approach the High Court, on account of the availability of alternate efficacious remedy. However, judicial review being part of the basic structure is available to the aggrieved party, if there is mandatory violation by the order of the Tribunals, if it affects the Fundamental Rights guaranteed under the Constitution. Though the Tribunals are competent to hear the matters, where the vires of statutory provisions are questioned, they cannot act as substitutes for the High Courts and the Supreme Court in discharging their duty, as per our Constitutional set up.

17. Though number of decisions were cited by both the learned counsel, we are of the view that the scope of the present writ petition is limited, to decide only the impugned order passed by the Tribunal, permitting the first respondent to be impleaded as one of the respondents in the Original Application pending before the Central Administrative Tribunal.

18. At this juncture, we want to make it clear that in respect of all other aspects, as the matter is pending before the Tribunal, it has to be decided only by the Tribunal, hence, we are not inclined to express any opinion on the decidable issues before the Tribunal.

19. Mr. Sanjay Jain, learned counsel for the first respondent, while advancing his arguments, relied on an unreported decision of the Hon'ble Apex Court rendered in Civil Appeal Nos. 8275-8276 of 2010 and Civil Appeal Nos. 8277-8278 of 2010, dated 22.09.2010. Though certified copy of the unreported Judgment was furnished, the genuineness of the xerox copy of the order has not been disputed by the learned counsel for the petitioner and further, the learned counsel for the first respondent subsequently produced a certified copy of the order before this Bench for perusal. The order reads that the matter was remitted back to the High Court, after setting aside the finding of the Tribunal for fresh disposal, according to law and a direction was given to the High Court for deciding the matter afresh, after hearing the Institute of Town Planners, India and to other affected parties in consonance with the principles of natural justice.

20. Learned counsel appearing for the petitioner contended that though the original order was passed only by the Central Administrative Tribunal, the Hon'ble Supreme Court, while setting aside the order remitted back the matter to the High Court and not to the Tribunal, to implead the parties and therefore, the decision is not in favour of the first respondent.

21. Referring earlier decision in S.P.Sampath Kumar v. Union of India, reported in (1987) 1 SCC 124, the Hon'ble Apex Court in Dr Durodhan Sahu v. Jitendra Kumar Mishra, reported in (1998) 7 SCC 273, has held as follows :

"But the law has now been declared differently in L.Chandra Kumar v. Union of India [(1997) 3 SCC 261] that the Tribunals have to perform only a "supplemental as opposed to a substitutional - role" in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. This Court has held that the powers of the High Courts under Articles 226/227 are not taken away by the Act. It is only against such a backdrop that the jurisdiction of the Tribunal under the Act to entertain a public interest litigation has to be decided. No doubt, it is contended by learned counsel for the appellants that even from the inception of the Act, public interest litigations could be entertained only by the High Courts in exercise of their extraordinary jurisdiction and plenary powers and as such powers were not available to the Tribunals, the latter could never have entertained such litigations. It is not necessary for us to consider that contention. As the status of the Tribunals has now been settled in L.Chandra Kumar, we will discuss the question in the light of the said pronouncement."

22. Section 14 of the Administrative Tribunals Act, 1985, provides that the Central Administrative Tribunal shall exercise all the jurisdiction, powers and authority exercisable by all courts except the Supreme Court immediately before the appointed day in relation to matters set out in the section. Similarly, Section 15 provides for the jurisdiction, powers and authority of the State Administrative Tribunals in relation to matters set out therein. Section 19 to 27 of the Act deals with the procedure. Section 19 strikes the keynote. It is seen that Sub-sections (1) and (4) of Section 19 are in the following terms :

"19 (1) Subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance.

Explanation - For the purposes of this sub-section, 'order' means an order made -

(a) by the Government or a local or other authority within the territory of India or under the control of the Government of India or by any corporation (or society) owned or controlled by the Government; or

(b) by an officer, committee or other body or agency of the Government or a local or other authority or corporation (or society) referred to in clause (a).

* * *

19.(4) Where an application has been admitted by a Tribunal under sub-section (3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject-matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules."

23. Section 3 (q) of the Act reads thus :

"service matters", in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation or society owned or controlled by the Government as respect -

- (i) remuneration (including allowances), pension and other retirement benefits;
- (ii) tenure including confirmation, seniority, promotion, revision, premature retirement and superannuation;
- (iii) leave of any kind;
- (iv) disciplinary matters; or
- (v) any other matter whatsoever;"

23. In *Dr Durodhan Sahu v. Jitendra Kumar Mishra*, reported in (1998) 7 SCC 273, the Hon'ble Apex Court has categorically held as follows :

"18... We have already seen that the word "order" has been defined in the explanation to sub-section (1) of Section 19, so that all matters referred to in Section 3(q) as service matters could be brought before the Tribunal. If in that context Sections 14 and 15 are read, there is no doubt that a total stranger to the service concerned cannot make an application before the Tribunal. If public interest litigations, at the instance of strangers are allowed to be entertained by the Tribunal, the very object of speedy disposal of service matters would get defeated."

24. Referring Section 3(q) of the Act, it has been made clear by the Hon'ble Apex Court that only service matters could be brought before the Tribunal and a total stranger to the service matter concerned cannot make an application before the Tribunal, for seeking any relief.

25. It is made clear in the said Judgment that the Administrative Tribunals constituted under the Act cannot entertain Public Interest Litigation at the instance of a total stranger.

26. In *B.Singh (Dr) v. Union of India*, reported in (2004) 3 SCC 363, referring the decision of *Dr Durodhan Sahu v. Jitendra Kumar Mishra*, reported in (1998) 7 SCC 273, the Hon'ble Apex Court, held that in service matters, PILs should not be entertained, the inflow of the so-called PILs involving service matters continues unabated in the courts and strangely they are entertained.

27. It has been categorically held in various decisions by the Hon'ble Apex Court that in service matters, third party cannot be allowed to raise any objection before Central Administrative Tribunal.

28. In *B.Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees' Assn*, reported in (2006) 11 SCC 731 (I), it has been held as follows :

"It is thus crystal clear that the Employees' Union has approached this Court by suppressing the material facts and has snatched an order on the basis of wrong averments when the Employees' Union had no locus standi to maintain the writ petition on the date relevant in question. The court cannot grant any relief to a person who comes to the court with unclean hands and

with mala fide intention / motive. The writ petition filed by the Employees' Association is liable to be thrown out on this single factor."

29. In *Seema Dhamdhare, Secy., MPSC v. State of Maharashtra*, reported in (2008) 2 SCC 290, relying on the landmark Judgment in *Duryodhan Sahu (Dr) v. Jitendra Kumar, Mishra*, reported in (1998) 7 SCC 273, the Hon'ble Apex Court held that in service matters, PILs should not be entertained, however, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained and further observed that the least of the High Courts could do is to throw them out on the basis of the said decision.

30. In *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra*, reported in (2013) 4 SCC 465, relying on *Duryodhan Sahu v. Jitendra Kumar Mishra*, reported in (1998) 7 SCC 273, the Hon'ble Apex Court held that in service matters, a stranger having no right whatsoever to any post or property cannot be permitted to intervene in the affairs of the orders passed by the Tribunal.

31. In the instant case, admittedly the first respondent is not seeking any post or specific right relating to the service matter between the employee and the employer. The only point argued by the learned counsel appearing for the first respondent is that the Diploma issued by the first respondent has been recognised by the Government of India, however, the same was not recognised by the other authority, namely, AICTE. According to him, the said AICTE is under the Government of India and therefore, the view of the Government of India is binding on the said authority. It is open to raise the plea by any other employee, having any legal grievance before the Tribunal. Similarly, to establish the aforesaid view raised by the counsel for the first respondent, it could be possible, by way of filing independent writ petition, if law permits. However, the first respondent cannot seek an order to implead in the Original Application pending before the Central Administrative Tribunal, since the first respondent is not an employee, seeking any appointment or promotion in the service matter, pending before the Tribunal.

32. It is well settled by various decisions of the Hon'ble Apex Court, that merely because some of the employees have obtained Diplomas or Degrees from an Educational Institution, the said Institution cannot be arrayed as a party in a service matter, to be decided by the Central Administrative Tribunal. If there is any improper denial or recognition of the Diploma given by the first respondent, it is open to the first respondent to raise the same, according to law, as a Constitutional remedy. It is crystal clear that Sections 3 (q), 14 (1) and 19 of the Act are specific, which are relating to the service matters, between any employee(s) of any Government Department or Government

undertaking. Hence, the first respondent, a third party cannot raise a plea, by way of impleading it as one of the respondents, though the same would be available to any employee, if his or her legitimate right is affected, in case of relief is being granted in favour of the petitioner herein, however, that would not be available to the Institution, which has awarded the Diplomas, to approach the Tribunal, that has been constituted for a specific object.

33. When proper Constitutional remedy is available to the first respondent, it would not be acceptable, being a third party to the relief sought for, to be impleaded in the service matter, yet to be decided by the Central Administrative Tribunal. In the light of the various decisions rendered by the Hon'ble Apex Court, cited by both the learned counsel, we are of the considered view that the first respondent has no locus standi, as the same is neither a necessary party, nor a proper party in the service matter, to be decided by the Central Administrative Tribunal.

34. The respondents 2 to 4 herein in the counter has submitted that the Notification, dated 24.11.2006 issued by the Government of India, Ministry of Human Resources Development, Department of Higher Education, had restored the recognition of courses of IME with a condition that after completing theory papers students of IME will have to undergo at least 3 months mandatory apprenticeship / practical training / project report at an All India Council for Technical Education approved polytechnic for Part I and II of Technician Engineers course for award of certificate equivalent to Diploma in Mechanical Engineering and the Apprenticeship / practical training of the same duration in AICTE approved Degree college for award of certificate equivalent to Bachelors degree in Mechanical Engineering for Section A & B of Associate Membership course. Besides subsequent to the issuance of notification, dated 21.06.2013 by the fourth respondent, for filling the vacancies, the applications of IME qualified candidates were rejected, based upon the third respondent's letter, dated 12.09.2013, that the Diploma certificate that has been acquired from an institute through distance mode cannot be considered eligible for appearing in the LDCE for the post of Chargeman (T), since the Institute IME, Mumbai has not been approved by AICTE the candidates obtained certificate from the said institution cannot be allowed appear in the LDCE.

35. Learned counsel for the respondents 2 to 4 submitted further that subsequently, some of the candidates challenged the rejection of application by the fourth respondent in O.A.Nos.1321 and 1328 of 2013 and the Tribunal directed to permit the candidates in the above OA to appear for the LDCE Examination and pursuant to order of the Tribunal, the said candidates were allowed, however, the results of the IME candidates are withheld and kept in a sealed cover. It is

further submitted that the said facts were filed in the above Original Application by the official respondents and pursuant to the notification to fill up the vacancies, they rejected the applications of the IME candidates, based on the clarification of the third respondent that the distance mode of technical education is not approved by AICTE. Hence, without challenging the said orders and the clarification, before the appropriate Court, the first respondent cannot raise a plea before the Tribunal, by way of impleading petition.

36. Having perused the material papers, considering the facts and circumstances and the arguments advanced by both the learned counsel, we are of the considered view that the order passed by the Tribunal, impleading the first respondent is not in accordance with law, in the light of various decisions rendered by the Hon'ble Supreme Court, hence, the same has to be set aside. However, we reject the relief sought for by the petitioner, to direct the respondents 2 to 4 herein to fill up the vacancy in the Grade of Chargeman Grade II (Technical) in the office of the fourth respondent, in accordance with the selection held in pursuance of the Notification, bearing No.1053, dated 21.06.2013 of the fourth respondent, as the same could be decided only by the Tribunal at this stage.

In the result, the writ petition is partly allowed and the order relating to impleading the first respondent herein alone is set aside. The other portion of the order, seeking direction to the respondents 2 to 4 to fill up the vacancy in the Grade of Chargeman Grade II (Technical) in the office of the fourth respondent, in accordance with the selection held in pursuance of the Notification, bearing No.1053, dated 21.06.2013 of the fourth respondent is rejected, since the same has to be decided by the Central Administrative Tribunal on merits at this stage. Having considered the facts and circumstances, the Central Administrative Tribunal is directed to dispose the Original Application in O.A.No.1665 of 2013 at an early date, preferably within three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No order as to costs.

tsvn

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Institution of Mechanical Engineers (India)
Hasmukh Bhawan, Plot No.24,
Behind CIDCO Office,
Near Hiranandani Park,
Sector 4, Khargar,
Navi Mumbai, Maharashtra - 410 210.

2. The Chairman,
Union of India,
Ordinance Factory Board,
10-A, S.K.Bose Road, Kolkatta.

3. The Director General
Ordinance Factory Board,
10-A, S.K.Bose Road,
Kolkatta.

4. The General Manager
Engine Factory Avadi,
Avadi, Chennai -54.

5. The Registrar
Central Administrative Tribunal
Madras Bench,
Chennai - 600 104.

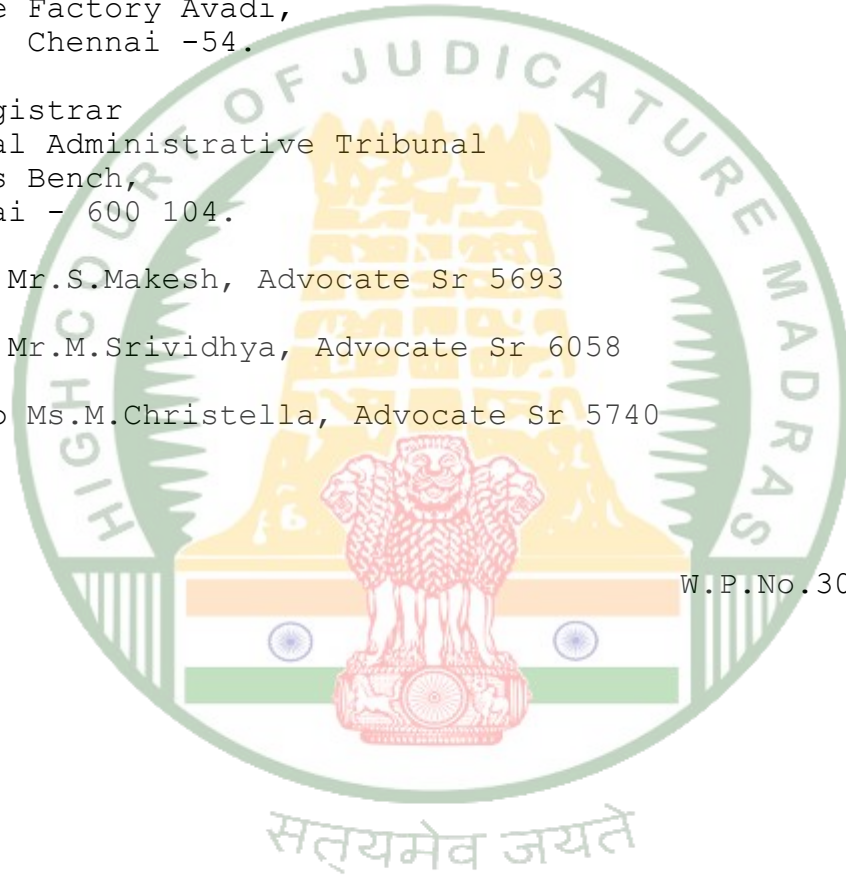
+ 1 cc to Mr.S.Makesh, Advocate Sr 5693

+ 1 cc to Mr.M.Srividhya, Advocate Sr 6058

+ 2 ccs to Ms.M.Christella, Advocate Sr 5740

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