

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
&
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition Nos.7541 and 7542 of 2016
&
W.M.P.Nos.6751 and 6752 of 2016

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

... Petitioner in both W.Ps.

- Vs -

1. The Registrar,
Central Administrative Tribunal,
High Court Complex, Chennai - 600 104.

... Respondent in both W.Ps

2. A.S.Kumar

3. Government of India
Owning Ordinance Factory Board
rep. By its Director General,
Ministry of Defence,
No.10-A, Saheed Kshudiram Bose Road,
Kolkata - 700 001.

4. Deputy Director (Admin),
Government of India,
Ministry of Defence,
Armoured Vehicle Headquarters,
Avadi, Chennai - 600 054.

5. Heavy Vehicles Factory,
rep. By its Senior General Manager,
Avadi, Chennai - 600 054.

6. All India Council for Technical Education,
rep. By its Regional Officer,
Industrial Assurance Building,
2nd Floor, Veer Nairman,
Churchgate, Mumbai - 400 020.

7. Ganesh, J.

8. Mahesh.M

9. Baiju

10.Amin Sheik.K.

11.G.Krishnamoorthy .. Respondents in both W.Ps

PETITIONs under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorari to call for the records from the file of the first respondent culminating in the order dated 8.1.2016 made in M.A.Nos.310/00032/2016 & 310/00031/2016 in O.A.No.220/2012 batch and quash the same.

For Petitioners: Mr.S.Rajendra Kumar

C O M M O N O R D E R

(Order of the Court was made by R.SUDHAKAR,J.)

Challenging the order passed by the Tribunal dated 08.01.2016 made in M.A.Nos.31 and 32 of 2016 in O.A.No.220/2012 batch, wherein, the Tribunal adjourned the matter for filing counter to the applications filed for impleading the 11th respondent herein in the Original Application and for reopening of the case, which was reserved for orders, the present Writ Petitions have been filed.

2. The brief facts of the case are as follows:

The second respondent herein has filed an Original Application in O.A.No.220 2012 before the Tribunal challenging the promotion given to respondents 5 to 8 therein contending that the certificates obtained by respondents 5 to 8 from the petitioner herein were not valid. In the said Original Application, the petitioner herein has filed an application in M.A.No.324 of 2015 seeking to implead the petitioner in the said O.A.No.220 2012. The Tribunal by order dated 05.06.2015 allowed the application, thereby impleading the petitioner herein in O.A.No.220 of 2012 as party respondent. Thereafter, the matter was heard at length in O.A.No.220 of 2012 along with other batch

of Original Applications filed by the unselected candidates, who had completed the course under the petitioner and orders were reserved. At this juncture, the 11th respondent herein, viz., G.Krishnamurthy, has filed applications before the Tribunal in M.A.Nos.31 and 32 of 2016 seeking to implead himself as party respondent in O.A.No.220 of 2012 and also to re-open the issue,

since he is the applicant in O.A.No.1665 of 2013. The Tribunal, by order dated 08.01.2016, adjourned the matter holding as follows:

"These two Mas are filed by third party to the proceedings in OA 220/2012. This OA is being heard along with batch of Oas. Arguments were addressed by the counsel appearing for the parties over a number of sittings. This OA a/w batch came to be reserved for orders on the previous day on the counsel appearing on behalf of all the parties reporting no further arguments. The prime issue involved in all the OA is whether the candidates obtaining diploma certificate from IME, Bombay is eligible to appear for LDCE for the post of Chargeman. The proposed party is the applicant in OA No.1665/2013.

In view of the applications being moved by the third party, we are of the view that the matter which are reserved for orders need to be reopened. Post the matter on 22.01.16 for filing counter in these Mas. "

3. Challenging the above-said order, the present Writ Petitions have been filed. In view of the nature of issue and the order to be passed in this Writ Petitions, we are not inclined to issue notice to the respondents.

4. Learned counsel appearing for the petitioner submitted that the 11th respondent herein had adopted dilatory tactics by filing these two Miscellaneous Applications and hence the Tribunal may be directed to dismiss the Miscellaneous Applications filed by the 11th respondent herein.

5. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.

6. It is seen that two Miscellaneous Applications have been filed by the 11th respondent herein before the Tribunal, one to implead himself in O.A.No.220 2016 and other to reopen the issue. The Tribunal was of the view that as the third party/11th respondent herein was an applicant in O.A.No.1665 of 2013, he should be heard. Hence, after hearing both parties, the Tribunal adjourned the matter to 22.1.2016 for filing counter in the Miscellaneous Applications.

7. A perusal of the order of the Tribunal reveals that the Tribunal has not taken a decision either to accept the implead petition or to reopen the case and we find that as of now no prejudice is caused to the petitioner. In such circumstances, we dispose of both the Writ Petitions directing the Tribunal to dispose of the Miscellaneous Applications in M.A.Nos.31 and 32 of 2016 in O.A.No.220 2012 on its own merits as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Registrar,
Central Administrative Tribunal,
Chennai.
2. The Director General,
Government of India
Owning Ordinance Factory Board
Ministry of Defence,
No.10-A, Saheed Kshudiram Bose Road,
Kolkata - 700 001.
3. Deputy Director (Admin),
Government of India,
Ministry of Defence,
Armoured Vehicle Headquarters,
Avadi, Chennai - 600 054.
4. The Senior General Manager,
Heavy Vehicles Factory,
Avadi, Chennai - 600 054.
5. The Regional Officer,
All India Council for Technical Education,
Industrial Assurance Building,
2nd Floor, Veer Nairman,
Churchgate, Mumbai - 400 020.

+ 2 ccs to Mr.S.Rajendra Kumar, Advocate Sr 12885

KR/17/3/16

Writ Petition Nos.7541 and 7542 of 2016
&
W.M.P.Nos.6751 and 6752 of 2016