

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 11.01.2017

Judgment Pronounced on : 18.01.2017

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

Writ Petition No.4364 of 2014

and

M.P.No.1 of 2014

- 1 THE UNION OF INDIA
REP.BY ITS GENERAL MANAGER
INTERGRAL COACH FACTORY
SOUTHERN RAILWAY
CHENNAI-38
- 2 THE CHIEF PERSONNEL OFFICER
INTERGRAL COACH FACTORY
SOUTHERN RAILWAY
CHENNAI-38. .. PETITIONERS
- Vs
- 1 V.SASI KUMAR
- 2 THE GENERAL MANAGER
SOUTHERN RAILWAY
PARK TOWN, CHENNAI-3
- 3 THE CHIEF PERSONNEL OFFICER
SOUTHERN RAILWAY
PARK TOWN, CHENNAI-3
- 4 THE CHAIRMAN
RAILWAY RECRUITMENT BOARD
CHENNAI-8
- 5 THE REGISTRAR
THE CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH
CHENNAI-104. .. RESPONDENTS

Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to O.A.No.1124 of 2012 on the file of the Central Administrative Tribunal, the 5th respondent and quash the order dated 30.08.2013.

For Petitioners : Mr.M.Udhayakumar
For Respondent-1 : Mr.P.S.Ganesh
for
M/s.Kurian & Associates

For Respondents 2 to 4 : Notice served,
No appearance.

ORDER

(Order of the Court was delivered by V.PARTHIBAN,J.)

The Writ Petition is filed against the order passed by the Central Administrative Tribunal, Madras Bench dated 30.08.2013 in O.A.No.1124 of 2012 and M.A.No.718 of 2012 disposing of the Original Application filed by the first respondent herein. Aggrieved by the order passed by the learned Tribunal, Union of India is before this Court.

2. The first respondent / employee approached the learned Tribunal seeking for the following reliefs:-

"to call for the connected records from the respondents herein, pertaining to the Direct Recruitment Quota, advertised under CEN No.05/2010 (Annexure A.2) for the post of Senior Section Engineer (Drawing)/Civil formerly known as Section Engineer (Drawing)/ Civil and the impugned order No.PB/S1/193/IV dated 04.06.2012 (Annexure A1) and then quash the impugned order only and direct the respondents to consider the applicant, first ranked holder, for the appointment to the post of Senior Section Engineer (Drawing)/Civil either at I.C.F. or at Southern Railways (as there exists 11 vacancies under UR category against DR quota for the said post at Southern Railway) with top-most seniority from the date of appointment of his juniors who were already appointed as Senior Section Engineer (Drawing)/ Civil at Southern Railway, prior to the expiration of the panel (Annexure A8) (i.e) before 30.10.2012."

3. After hearing the parties to the proceedings, the learned Tribunal disposed of the Original Application with a direction in paragraph-14 of the Judgment, which is extracted below:-

"14. Taking into consideration of the submission of the learned counsel for the applicant during the course of hearing, we also feel it appropriate to issue such a direction in the interest of justice considering the fact that the applicant, who is a first rank holder, could not be appointed for want of UR vacancy under direct recruitment quota in the ICF though his candidature has been recommended for the post of Senior Section Engineer (Drawing)/Civil by the Railway Recruitment Board. At the same time, bearing in mind, the letter dated 4.6.2012 of the ICF that the applicant will be considered for the said post as and when vacancy arises in future, we direct the first respondent to extend the validity of the panel for another two years and to consider and appoint the applicant in the ensuing vacancy for the post of Senior Section Engineer (Drawing) / Civil."

4. When the matter was taken up for hearing, We were informed that the first respondent had been promoted as Senior Section Engineer / Works, against the promotional quota by virtue of his seniority with effect from 05.04.2011. The counsel appearing for the Union of India., viz., the petitioners herein has also submitted that the seniority of the first respondent/ employee could not be affected by accommodating him against the promotional quota and as such, no issue survives for consideration before this Court.

5. The counsel appearing for the first respondent also submitted that he will be satisfied, if the petitioner's seniority is protected.

6. Recording the submissions of the counsels, this Court is of the view that since the first respondent has already been promoted against the promotional quota with effect from 05.04.2011 and his seniority is also protected, there is nothing for this Court to adjudicate any further in the matter. Therefore, recording the above, the present Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

To

- 1 THE GENERAL MANAGER
SOUTHERN RAILWAY
PARK TOWN, CHENNAI-3
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THE CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH
CHENNAI-104.

+1 cc to M/s.M.Udhya kumar Advocate sr 3318
+1 cc to M/s.P.S.Ganesh Advocate sr 3905

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