

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 26.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. No.10636 of 2017

V.Jagannathan

... petitioner

Vs

- 1 Union of India rep. by
The Financial Adviser & The Chief Accounts
Officer (Traffic) Chennai-3
- 2 The Senior Assistant Financial
Adviser (Traffic) Trichy Junction Trichy-1
- 3 The Central Administrative
Tribunal Chennai Bench Chennai-104 rep.
by the Registrar Central Administrative
Tribunal Chennai-104 ... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorari to call for the records on the file of the 3rd respondent in connection with the order passed in O.A.No.1754/13 dated 23.3.17 and quash the to the extent of the dismissal of the original application by the Administrative Member.

For petitioner : Mr.R.Singaravelan, Senior counsel
for Mr.R.Ramanlal

O R D E R

(made by K.K.SASIDHARAN, J.)

The petitioner filed original application in O.A.No.1754 of 2013 before the Madras Bench of the Central Administrative Tribunal, challenging the show cause notice issued by the first respondent. The Judicial member of the Tribunal allowed the original application. However, the administrative member dismissed the original application. The Chairman was therefore pleased to refer the matter to a third Judge. The petitioner immediately thereafter filed the Writ Petition challenging the order dated 23 March 2017 in O.A.No.1754 of 2013.

2. We have heard the learned Senior counsel for the petitioner.

3. There is no dispute that the members of the Bench differed on the point raised by the petitioner and the same resulted in passing separate orders by the Judicial member and the Administrative Member. Since the members were equally divided, the Chairman referred the matter to the third member. The decision taken by the Chairman was in accordance with Section 26 of the Administrative Tribunals Act, 1985. There is no cause of action for the petitioner to challenge the order dated 23 March 2017 in O.A.No.1754 of 2013. There is no decision of the Tribunal as such in O.A.No.1754 of 2013 in view of the difference of opinion among the members of the Bench. We are therefore of the view that the Writ Petition is not maintainable.

4. In the result, the Writ Petition is dismissed. No costs. Consequently, W.M.P.No.11576 of 2017 is also dismissed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

tar

To

- 1 The Financial Adviser & The Chief Accounts Officer (Traffic) Chennai-3
- 2 The Senior Assistant Financial Adviser (Traffic) Trichy Junction Trichy-1
- 3 The Registrar,
Central Administrative Tribunal
Chennai Bench Chennai-104

+1cc to M/S Ramanlal, Advocate in Sr.No.25370

W.P. No.10636 of 2017

AD(CO)
NR 19/06/2017