

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.9840 of 2017

A.Varatha Sundari Ponnuthai

...Petitioner

vs.

1. The Registrar
The Central Administrative Tribunal
Madras Bench, Madras.
2. UOI Rep.by
The General Manager
Southern Railways
Park Town, Chennai - 3.
3. The Sr.Divisional Personnel Officer
Southern Central Railway
Gundakal.
4. The Personal Officer
Divisional Office
Personal Branch
South Central Railway, Guntakal.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying a writ of Certiorarified Mandamus, calling for the records of the 1st respondent in M.A.No.388 of 2016 in O.A.No.357 of 2016, dated 22.04.2016 and quash the same and consequently direct the 1st respondent to take on file in M.A.No.268 of 2015 in O.A.No.357 of 2016.

For Petitioner : Mr.R.Babu

For Respondent : Mrs.Sri Jayanthi
Standing Counsel for R2 to R4
: Respondent 1 - Tribunal

O R D E R

K.K. SASIDHARAN, J.

This writ petition is directed against the order dated 22 April 2016 dismissing the application filed by the petitioner for restoration of the Original Application in O.A.No.357 of 2016.

2. Heard the learned counsel for the petitioner. We have also heard the learned counsel for the Railways.

3. The petitioner filed O.A.No.357 of 2016 challenging the order passed by the Railways declining to grant compassionate appointment. The application was dismissed for non-prosecution on 25 February 2016. The petitioner, thereafter, filed M.A.No.388 of 2016 to set aside the order dated 25 February 2016 and to restore the Original Application to file. The said application came up for hearing on several occasions. Since there was no representation on behalf of the petitioner, the Miscellaneous Application was dismissed for default on 22 April 2016. It is the said order which is impugned in this writ petition.

4. We have perused the affidavit filed in support of the interlocutory application in M.A.No.388 of 2016. According to the petitioner, she entrusted the matter to a Senior Counsel who was having some renal problem and because of the illness, the counsel failed to appear before the Court successively. The junior counsel was busy with other matters in the High Court and as such, he also failed to appear before the Tribunal.

5. The petitioner, in the affidavit filed in support of the writ petition, very clearly explained the reasons for the failure on the part of the counsel to represent her before the Central Administrative Tribunal on various dates indicated in the order dated 22 April 2016. In view of those reasons, we deem it fit and proper to set aside the order dated 22 April 2016 and restore the Miscellaneous Application.

6. In the result, the order dated 22 April 2016, is set aside. The application in M.A.No.388 of 2016 is restored to

file. We request the Madras Bench of the Central Administrative Tribunal to dispose of the petition in M.A.No.388 of 2016 as expeditiously as possible.

In the upshot, we allow the writ petition. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gms/dna

To

1. The Registrar
The Central Administrative Tribunal
Madras Bench, Madras.
2. The General Manager
Southern Railways, UOI.
Park Town, Chennai - 3.
3. The Sr.Divisional Personnel Officer
Southern Central Railway, Gundakal.
4. The Personal Officer
Divisional Office
Personal Branch
South Central Railway, Guntakal.

+1cc to Mr.R.Babu, Advocate, S.R.No.41926

+1cc to Mrs.Sri Jayanthi, Advocate, S.R.No.41977

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SR(CO)
CS/04/07/17

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