

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.4.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE DR.JUSTICE S.VIMALA

Writ Appeal No.400 of 2017

1. The Managing Director
Chennai Metro Rail Ltd.
Admin Building, CMRL Depot
Poonamallee High Road
Koyambedu
Chennai 600 107.
 2. The General Manager - Human Resources
Chennai Metro Rail Ltd.
Admin Building, CMRL Depot
Poonamallee High Road
Koyambedu
Chennai 600 107.
 3. The Manager - Human Resources
Chennai Metro Rail Ltd.
Harini Towers
No.7, Cornon Smith Road
Gopalapuram
Chennai 600 086.
- ... Appellants

Vs.

1. P.Sriram
 2. The Chairman
Secretary to the Government of India
Ministry of Urban Development
Chennai Metro Rail Ltd. (CMRL)
Fort St. George
Chennai 600 009.
- .. Respondents

Appeal under Clause 15 of Letters Patent filed against the order dated 02.01.2017 made in W.P.No.31491 of 2016 insofar as cancellation notification dated 23.8.2016 and consequential advertisement CMRL/HR/06/2016 dated 23.8.2016 is concerned and directing appointment of candidates in terms of pay scale contained the said advertisement CMRL/HR/06/2016 dated 23.8.2016.

WP.No.31491/16:

Writ Petition filed u/a.226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records pertaining to the impugned cancellation notification dt 23.8.2016 and the consequential Advertisement No.CMRL/HR/06/2016 for the posts of Junior Engineer Grade II published by the respondents and signed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to issue appointment order to the petitioner who was already selected for the Post Code - 01 Station Controller/Train Operator/Jr. Engineer (Station)-as per the selection list published by the 3rd respondent during July 2013.

For Appellants : Mr.R.Thyagarajan, S.C.
For Mr.Jayesh B Dolia

For Respondent-1 : Mr.L.Chandrakumar
For M/s. Chennai Law Associates

J U D G M E N T
(Delivered by Huluvadi G.Ramesh,J)

This writ appeal is directed against the order of the learned single Judge dated 02.01.2017 made in W.P.No.31491 of 2016.

2. Heard Mr.R.Thyagarajan, learned senior counsel appearing for the appellants and Mr.L.Chandrakumar, learned counsel appearing for the first respondent.

3. Pursuant to the notification issued in the year 2013 by the appellants, the first respondent applied for the post of Junior Engineer Grade I and he has been provisionally selected. Though 154 candidates were selected, appointment orders were issued only for 30 candidates in September 2013 and 30 candidates in June 2014 and subsequently, 6 candidates were randomly selected. While the first respondent was awaiting appointment order, the appellant had cancelled the earlier notification and consequently, published advertisement calling for application to the post of Junior Engineer Grade II. Aggrieved by the same, the first respondent had filed the writ petition.

4. The learned single Judge set aside the cancellation notification and also the consequential advertisement inviting applications for the posts of Junior Engineer Grade II and directed the appellants to consider the first respondent to the post of Junior Engineer Grade II, by calling for their willingness, as per his merit-ranking. Assailing the said order, the appellants have come up with this appeal.

5. According to the learned senior counsel for the appellants, though the learned single Judge has directed the appellants to consider the first respondent for appointment to the post of Junior Engineer Grade II, after setting aside the subsequent notification, the appellants are at a loss to understand as to how the pay scale for Grade II at Rs.8000-14140 could be fixed when the second notification was quashed.

6. In the light of the above submission, we are of the considered opinion that if the appellants entertain a doubt as to how the pay scale as per the second notification could be fixed for the first respondent while appointing him to the post of Junior Engineer Grade II, particularly when the second notification is quashed, in view of the fact that the first respondent was provisionally selected for Junior Engineer Grade I as per the first notification, the appellants ought to have approached the learned single Judge for getting necessary clarification or review of the order, instead of preferring the writ appeal.

7. In view of the above, we dispose of the writ appeal, giving liberty to the appellants to seek clarification or review of the order of the learned single Judge within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, CMP No.6378 of 2017 is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

The Chairman
Secretary to the Government of India
Ministry of Urban Development
Chennai Metro Rail Ltd. (CMRL)
Fort St. George
Chennai 600 009.

+3 cc's to M/s.Jagadeesh B Dolic, advocate,sr.32869

+2 cc's to M/s.Chennai Law Associates,sr.22968.

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W.A.No.400 of 2017.