

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.Nos.6282, 14568 and 14569 of 2012 and
MP.Nos.1 and 1 of 2012

W.P.No.6282/2012

1.N.Meenakshi
2.R.Rajeswari
3.R.Subramanian
4.S.Gowri
5.M.Annadurai
6.K.Mathiazhagan
7.D.Rajendra Prasad
8.S.Balasubramanian
9.R.Shanmugam
10.A.Velraj
11.K.Jayakumar
12.S.Srividhya
13.P.Mahesh
14.O.Rammohan
15.S.Saroja
16.G.Sankaradass Gandhi
17.M.Anbarasan
18.R.Ramesh Babu
19.M.Rajan
20.P.Ravi
21.M.Abdul Saleem
22.R.Vijayalakshmi

vs.

...Petitioners

- 1.The Central Administrative Tribunal
Chennai Bench,
Rep. by its Registrar,
High Court Building, Chennai.
- 2.The Union Government of India,
Rep. by its Secretary to Government,
Ministry of Labour and Employment,
Shram Mantralaya, New Delhi.
- 3.The Central Provident Fund Commissioner,
Bhavishya Nidhi Bhawan,
No.14, Bhikaji Cama Place,
New Delhi - 110 066.

4.The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

5.J.Manikandan

6.P.Prabhakaran

7.M.Sasidharan

8.M.Kaveri

9.L.Jayaraman

...Respondents

(Respondents 5 to 171 in O.As and R.As were all promoted
as EO/AO earlier to the petitioners herein and no relief is
claimed against them in this writ petition and hence
they are given up and shown as respondents)

Writ Petition filed under Article 226 of the Constitution of
India seeking a writ of Certiorari, calling for the records
pertaining to the order dated 29.12.2010 in O.A.Nos.514 and 1137
of 2009 and also the common order dated 26.09.2011 in R.A.Nos.9
to 12 of 2011 passed by the first respondent, quash the same.

W.P.No.14568/2012

1.The Union of India,

Rep. by its Secretary to Government,
Ministry of Labour and Employment,
Shraam Mantralaya, New Delhi.

2.The Central Provident Fund Commissioner,

Bhavishyanidhi Bhawan,
No.14, Bhikaji Cama Place,
New Delhi - 110 066.

3.The Regional Provident Fund Commissioner,

Employees Provident Fund Organisation,
Regional Office,
No.37, Royapettah High Road,
Chennai - 600 014.

4.The Central Board of Trustees,

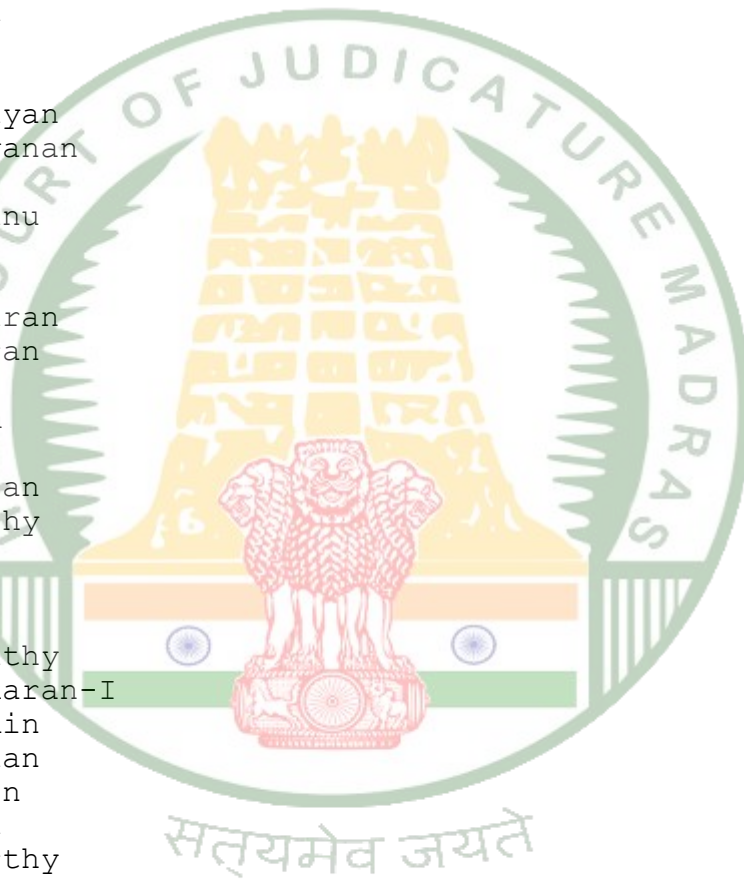
Rep. by its Secretary,
Bhavishyanidhi Bhawan,
No.14, Bhikaji Cama Place,
New Delhi 110 066.

...Petitioners

Vs.

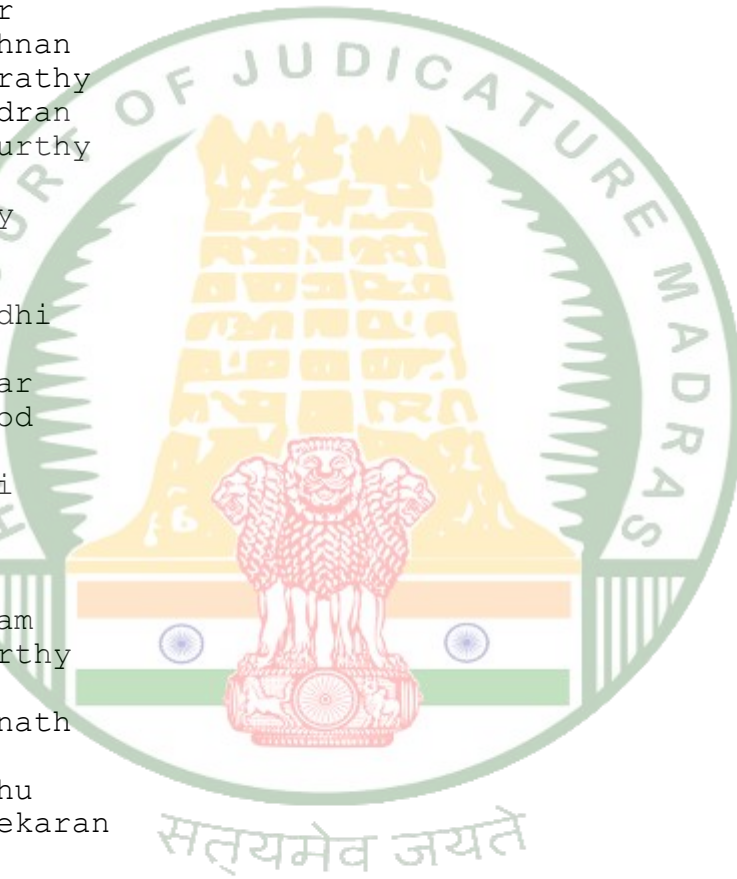
1.The Central Administrative Tribunal,
Chennai Bench, Rep. by its Registrar,
City Civil Court Buildings,
High Court Compound,
Chennai - 104.

- 2.J.Manikandan
- 3.P.Prabhakaran
- 4.M.Sasidharan
- 5.M.Kaveri
- 6.L.Jayaraman
- 7.M.Venkatraman
- 8.B.Daniel
- 9.G.Palanivelu
- 10.T.Sathyanarayan
- 11.S.Badrinarayanan
- 12.R.Rajaram
- 13.V.D.Swamikannu
- 14.K.Subramani
- 15.S.Sulochana
- 16.T.P.Bakthisaran
- 17.T.Ramachandran
- 18.D.Pandian
- 19.V.Ramalingam
- 20.N.Rajanna
- 21.N.Govindarajan
- 22.P.A.Padmavathy
- 23.P.K.Radhmani
- 24.D.Williams
- 25.K.A.Sampathi
- 26.R.Parthasarathy
- 27.K.Chandrasekaran-I
- 28.K.M.Zahiruddin
- 29.M.Balakrishnan
- 30.Md.Nasiruddin
- 31.S.Srinivasan
- 32.G.Manikamoorthy
- 33.A.Jayabalan
- 34.P.Gopalakrishnan
- 35.E.Sundararaj
- 36.T.Chidambaram
- 37.S.G.Sentamilselvan
- 38.K.Mani
- 39.M.A.Subramanian
- 40.R.D.Pal
- 41.R.Krishnamurthy-I
- 42.M.Maragathavannan
- 43.R.Krishnamurthy - II
- 44.V.K.Kumarasamy
- 45.K.Sanjeeviraman



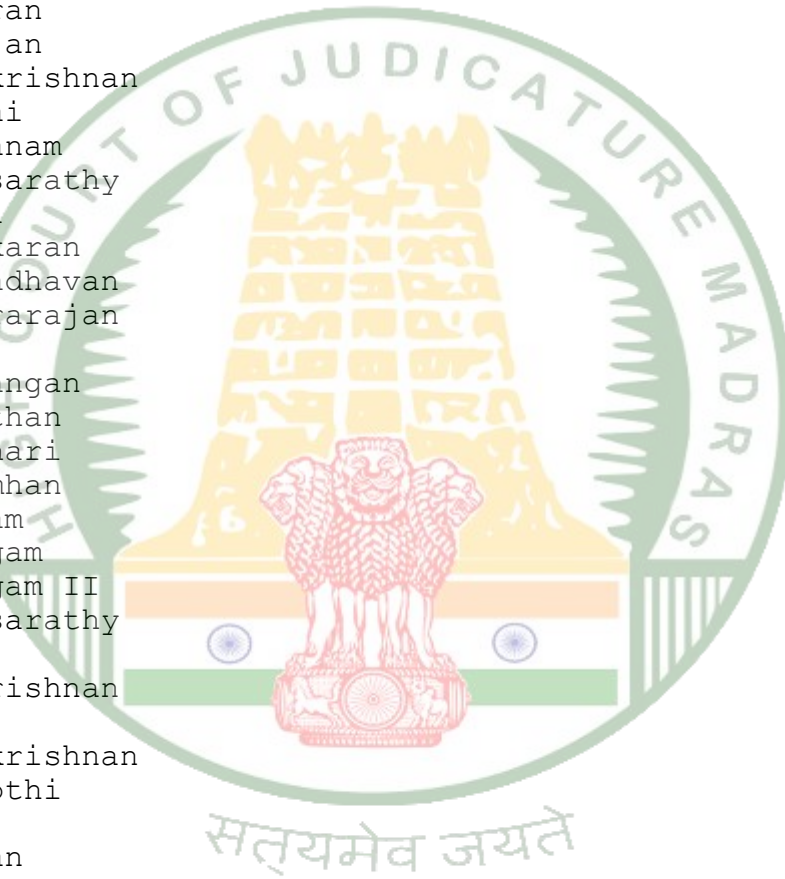
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- 46.S.Soosairaj
- 47.R.Santhkrishnan
- 48.M.Subbarayan
- 49.V.L.Balasubramanian
- 50.S.Natarajan
- 51.P.Kunnikannan
- 52.Poornam Morals
- 53.N.Sundaram
- 54.R.Sethuraman
- 55.M.Dost Mohamed
- 56.A.Kalavathy
- 57.K.Sampath
- 58.V.Raja Bather
- 59.J.Radhgakrishnan
- 60.C.K.Parthasarathy
- 61.K.R.Ramachandran
- 62.V.Dhakshinamurthy
- 63.R.Chandra
- 64.K.Kaliamurthy
- 65.M.Krishnan
- 66.G.Raghavan
- 67.B.A.Pugazhendhi
- 68.H.Babajan
- 69.O.Dhuruvakumar
- 70.A.Sheik Dawood
- 71.R.Krishnan
- 72.C.B.Meenakshi
- 73.M.T.K.Swamy
- 74.T.V.Krishann
- 75.S.E.Eraiyar
- 76.S.P.Janardanam
- 77.A.Dakshinamurthy
- 78.P.Shanmugam
- 79.PKGSJ Santhanath
- 80.A.Dhanraj
- 81.K.P.Nachimuthu
- 82.S.G.Chandrasekaran
- 83.A.Afsal
- 84.K.M.Abdullah
- 85.G.Srinivasan-II
- 86.P.Visalakshi
- 87.R.Rajkumar
- 88.M.Narayanasamy
- 89.V.Rajagopalan
- 90.T.N.Kalairajan
- 91.M.Swamidoss
- 92.R.Chandran
- 93.K.Beema Rao
- 94.K.Badrudin
- 95.U.C.Kalyanasamy
- 96.L.Sadagopa Ramanujam



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97.V.Srinivasan -II
98.R.Chandramohan
99.C.B.Srinivasan
100.R.Krishnamurthy -III
101.K.Satyanandam
102.E.Thiagarajan
103.P.Ramasamy -II
104.AJS Kuppuraj
105.M.Sankaran I
106.T.Bathmanathan
107.C.Palanisamy
108.V.Varadarajan
109.S.R.Sekaran
110.R.Nagarajan
111.K.P.Balakrishnan
112.M.Elumalai
113.A.Janardanam
114.K.Parthasarathy
115.K.Lakshmi
116.P.Rajasekaran
117.K.Kochumadhavan
118.V.Soundararajan
119.S.Alagar
120.K.Pandurangan
121.P.Kasinathan
122.S.Rangachari
123.P.Narasimhan
124.D.Sundaram
125.K.Bhoolagam
126.M.Shanmugam II
127.T.Parthasarathy
128.V.Babu
129.V.Radhakrishnan
130.N.Raju
131.S.Gopalakrishnan
132.G.Paranjothi
133.R.Logaraj
134.M.Ayyappan
135.V.Viswanathan
136.M.Muthukrishnan
137.P.Balasubramanian
138.T.Adikesavan
139.K.Viswanathan
140.G.Srinivasan
141.Syed Abdul Kaleel
142.R.Nandakumar
143.M.Shanmugam
144.P.Kathiravan
145.K.P.Choodamani
146.C.N.Mani
147.P.Ramamurthy



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148.S.Chandrasekaran III
149.V.S.Sathiyavelu
150.C.Muthukrishnan
151.A.Srinivasan
152.V.Sekar
153.J.M.Nathianel
154.K.Jayachandran
155.D.Padmanabhan
156.V.Valliappan
157.G.Purushothaman
158.M.Perumal
159.S.Ramasamy
160.K.Koteeswari
161.K.S.Sooriyanathan
162.David Paneerselvam
163.D.Sethuraman
164.R.Rukmani
165.P.Vijayakumar
166.R.Saraswathi II
167.M.L.Sivakumar
168.V.M.Dhanraj
169.C.Nagarajan
170.S.Mahalakshmi
171.I.Xavier
172.R.Saraswathi I
173.M.Arumugam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari, calling for the records of the first respondent in O.A.No.514 of 2009 dated 29.12.2010 in so far as it restricts petitioners from filling up vacancies to the post of Enforcement Officer/Assistant Accounts Officer and the consequential order passed by the first respondent in RA No.11/2011 in O.A No.514 of 2009 dated 26.09.2011 and quash the same.

W.P.No.14569 of 2012

- सत्यमेव जयते
- 1.The Union of India,
Rep. by its Secretary to Government,
Ministry of Labour,
Sharam Mantralaya, New Delhi.
- 2.The Central Provident Fund Commissioner,
Bhavishyanidhi Bhawan,
No.14, Bhikaji Cama Place, New Delhi - 110 066.
- 3.The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office,

No.37, Royapettah High Road,
Chennai - 600 014.

... Petitioners

Vs.

1.The Central Administrative Tribunal
Chennai Bench,Rep. by its Registrar,
City Civil Court Buildings,
High Court Compound,
Chennai -104.

2.J.Manikandan
3.P.Prabhakaran
4.M.Sasidharan
5.M.Kaveri
6.L.Jayaraman

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari, calling for the records of the first respondent in O.A.No.1137/2009, dated 29.12.2010 in so far as it restricts petitioners from filling up vacancies to the post of Enforcement Officer/Assistant Accounts Officer and the consequential order passed by the first respondent in RA No.12/2011 in O.A No.1137 of 2009 dated 26.09.2011 and quash the same.

For Petitioner in W.P.No.6282 of 2012 : Mr.V.Ajoy Khose

For Petitioner in W.P.Nos.14568 and

4569 of 2012 : Mr.V.Vijay Shankar

For Respondents in R1 Tribunal

W.P.No.6282 of 2012 : Mr.V.Vijay Shankar for R2 and R4

Mr.M.Gnanasekar for R5

Mr.A.Fathimanathan for R9

RR 3,4,6 to 8 No Apperance

For Respondents in R1 Tribunal

W.P.Nos.14568 and :Mr.M.Gnanasekar for R2 and R6

Ms.A.Nafisa Begum for R33

Mr.M.Ramamurthy for RR109, 131,144,132,

161 and 162

Mr.Karthik Mukundan for R142

Mr.G.B.Saravanabhavan for R152

RR3 to 5,7 to 32,34 to 130,13 to

143,145 to 160, 163 to 173

- No Appearance

For Respondents in

W.P.No.14569/2012 : Mr.M.Gnanasekar for R2 and R6

R1 Tribunal

RR 3 to 5-No Appearance

COMMON ORDER

K.K. SASIDHARAN, J.

The Central Administrative Tribunal dismissed the original applications in O.A.Nos.514 and 1137 of 2009 filed by the respondents 5 to 9 in W.P.No.6282 of 2012, who are arrayed as respondents 2 to 6 in W.P.Nos.14568 and 14569 of 2012, to quash the order dated 23 January 2009 and decide the number of vacancies to be filled up by candidates from each method by applying the percentage to the Cadre Strength of the EO's/AAO's of the Tamilnadu region according to the quota prescribed under the Recruitment Rules for the post of Provident Fund Inspector, Grade II, which was re-designated as Enforcement Officer. The Tribunal, while dismissing the Original Applications observed that any vacancy notified after the conduct of the examination on 7 December 2009 cannot be filled up on the basis of the said examination. Similar other observations were made in paragraph 10 of the order. Feeling aggrieved the petitioners are before us.

2. We have heard the learned counsel for the petitioners and the learned counsel for the respondents in the respective writ petitions.

3. The petitioners in O.A.Nos.514 and 1137 of 2009 challenged the order dated 23 January 2009 and 1 September 2009, which are in the nature of office orders conveying the approval of promotion/notional promotion to certain employees, pursuant to the recommendation made by the Review Departmental Promotional Committee. The petitioners in the Original Applications contended that the vacancies available as on 5 January 1998 would be sufficient enough for their appointments. In short, the petitioners in the original applications contended that in case, year wise vacancies from 3.3.1990 to 5.1.1998 were taken into consideration, it would be sufficient enough for giving them promotion. The Tribunal found no merit in the contentions and accordingly, the original applications were dismissed.

4. The Tribunal in paragraph 10 of the order made the following observations:-

"10. While rejecting the relief, we also make it clear that the respondents can fill up only such of the vacancies which were notified prior to the conduct of the examination on 7.12.2009. Any vacancy that were notified after the conduct of the examination on 7.12.2009 cannot be filled up on the basis of that examination. Such of the vacancies which arose after the conduct of the exam on 7.12.2009 should be notified afresh and

candidates be informed about fresh date of examination."

5. The observations made by the Tribunal, which is in the nature of advice given to the department appears to be the reason for filing these writ petitions.

6. The Tribunal decided the issue raised by the petitioners in O.A.Nos.514 and 1137 of 2009. There was no need or necessity for the Tribunal to make the observations indicated above, which was beyond the scope of the original applications. There was absolutely no reason to make such observations. The Tribunal should confine to the issue raised before it. There is no question of exceeding the brief and making sweeping observations or giving directions with regard to the conduct of the examination.

7. We therefore set aside the observations made by the Tribunal in Paragraph 10 of the order dated 29 December 2010 in O.A.Nos.514 and 1137 of 2009.

8. The writ petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

TO

1. The Registrar
The Central Administrative Tribunal
Chennai Bench,
High Court Building, Chennai.
2. The Secretary to Government,
Ministry of Labour and Employment,
Shraam Mantralaya, New Delhi.
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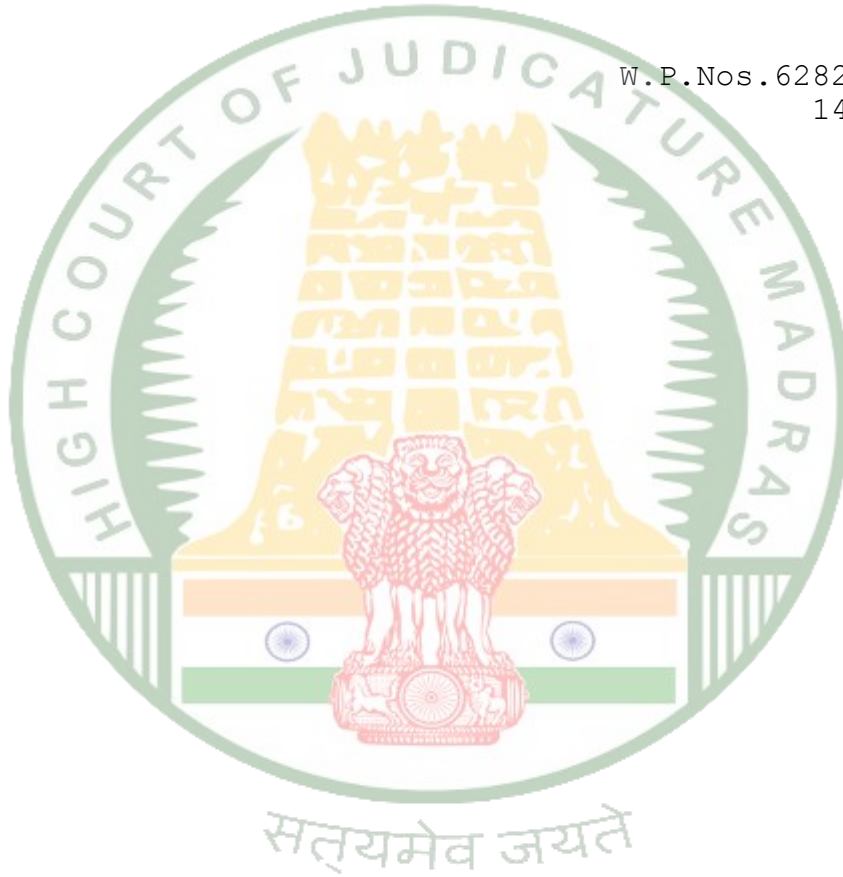
4. The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office,
No.37, Royapettah High Road,
Chennai - 600 014.

+1 CC to Mr. V. Ajou Khose, Advocate sr 6034

+2 CCS to Mr. V. Vijay Shankar, Advocate sr 6023,6024

W.P.Nos.6282, 14568 and
14569 of 2012

NM(CO)
sp/9/3



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