

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 05.09.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.30586 of 2012
and
M.P.No.1 of 2012

Dr.R.K.Elangovan

... Petitioner

.. Vs ..

1. The Central Administrative Tribunal,
Madras Bench, Rep. by its Registrar,
City Civil Court Buildings,
Madras High Court,
Chennai - 600 104.
2. Government of India,
Rep. by its Secretary,
Ministry of Labour and Employment,
Shram Shakthi Bhawan,
Rafi Marg, New Delhi - 110 001.
3. Department of Personnel and Training,
Rep. by its Secretary,
Government of India,
Ministry of Personnel,
Public Grievances and Pensions,
North Block, New Delhi.
4. Union Public Service Commission,
Rep. by its Secretary,
Dholpur House, Shahjahan Road,
New Delhi - 110 069.
5. Director General,
Director General Factory Advice
Service and Labour Institutes,
Central Labour Institute,
Government of India,
Ministry of Labour and Employment,
Sion, Mumbai - 22.

6. Hari Haran Vishvanathan,
Director (Safety),
Director General Factory Advice
Service and Labour Institutes,
Central Labour Institute,
Government of India,
Ministry of Labour and Employment,
Sion, Mumbai - 22.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the order of the first respondent Tribunal dated 07.09.2012 passed in O.A.No.1266 of 2011 and to quash the same and consequently, allow the O.A.No.1266 of 2011 as prayed for.

For Petitioner : Mr.N.G.R.Prasad,
for M/s.Row and Reddy
For RR-1 & 5 : Mr.S.Sampath
For RR-2 & 3 : Mr.J.Madana Gopal Rao, SCCG
For R-4 : Mrs.R.Priyakumar
Standing Counsel for UPSC
For R-6 : No Appearance

ORDER

(Order of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The writ petition has been filed challenging the order passed by the Central Administrative Tribunal dismissing the O.A. filed by the writ petitioner seeking fixation of inter-se seniority over and above the sixth respondent herein.

3. It appears that among other candidates, who participated in the interview for the post of Director, since the petitioner herein and the sixth respondent herein secured same marks, the date of birth was considered as a criteria to eliminate one and accordingly, the sixth respondent herein was placed above the writ petitioner as the date of birth of the sixth respondent is 10.04.1959 and the date of birth of the petitioner being 10.05.1968. Aggrieved against the same, the writ petitioner had moved the Tribunal. The fixation of seniority on the basis of date of birth was accepted by the Tribunal. Hence, the present writ petition has been filed.

4. The order passed by the Tribunal is challenged mainly on the ground that the writ petitioner is better qualified than the sixth respondent and on the principle of equity in employment and reservation.

5. Be that as it may, now it is brought to our notice that pending the writ petition, the sixth respondent has retired from service and the post has become vacant and hence, it is the claim of the writ petitioner that he may be considered and posted in the vacancy that arose due to the retirement of the sixth respondent and the seniority of the writ petitioner may be recognized accordingly.

6. In view of the above development, we direct the petitioner to submit a representation to the respondent-authorities, within a period of two weeks from the date of receipt of a copy of this order, seeking to consider his name for the post of Director as the said post has become vacant in which event, it shall be considered by the authorities taking into account the entirety of the facts and circumstances of the case and suitable orders may be passed, within a period of eight weeks from the date of receipt of the representation.

With the above direction, this Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Jrl
To

1. The Registrar,
Central Administrative Tribunal,
Madras Bench,
City Civil Court Buildings,
Madras High Court,
Chennai - 600 104.
2. The Secretary,
Government of India,
Ministry of Labour and Employment,
Shram Shakthi Bhawan,
Rafi Marg, New Delhi - 110 001.

3. The Secretary,
Department of Personnel and Training,
Government of India,
Ministry of Personnel,
Public Grievances and Pensions,
North Block, New Delhi.

4. The Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi - 110 069.

5. Director General,
Director General Factory Advice
Service and Labour Institutes,
Central Labour Institute,
Government of India,
Ministry of Labour and Employment,
Sion, Mumbai - 22.

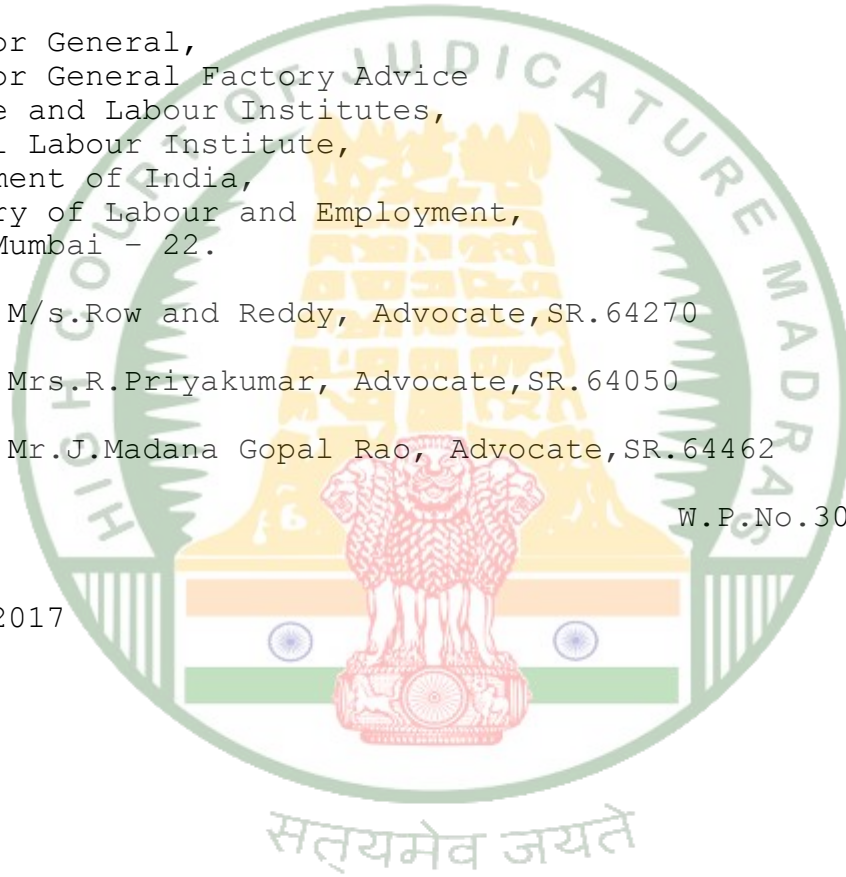
+ 1 cc to M/s.Row and Reddy, Advocate,SR.64270

+ 1 cc to Mrs.R.Priyakumar, Advocate,SR.64050

+ 1 cc to Mr.J.Madana Gopal Rao, Advocate,SR.64462

W.P.No.30586 of 2012

MN(CO)
NR 23/10/2017



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