

IN THE HIGH COURT OF JUDICATURE AT MADRAS

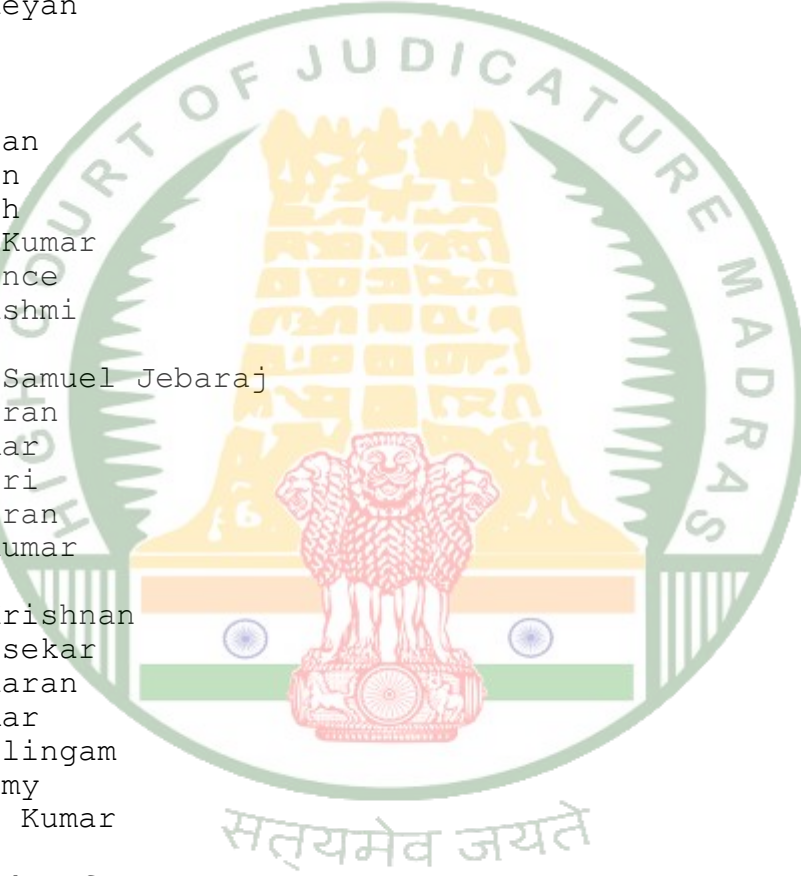
DATED: 04.7.2017

CORAM

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

Writ Petition No.27459 of 2015

1. S.Karthikeyan
2. G.Murali
3. S.Dinoj
4. B.Ashok
5. R.Vadivelan
6. Sreevatsan
7. C.Santhosh
8. P.Vinoth Kumar
9. P.T.Florence
- 10.N.Mahalakshmi
- 11.C.Yokesh
- 12.E.Prince Samuel Jebaraj
- 13.K.Sreedharan
- 14.R.Ravikumar
- 15.P.Maheswari
- 16.M.Sreedharan
- 17.A.Naveenkumar
- 18.P.Elango
- 19.M.Anand Krishnan
- 20.K.Chandrasekar
- 21.R.K.Sudakaran
- 22.N.Sasikumar
- 23.A.Amirthalingam
- 24.A.Kuppusamy
- 25.M.Senthil Kumar
- 26.P.Kumar
- 27.M.Mohammad Rafe
- 28.A.Merclin Sofia Loran
- 29.P.Sandeep
- 30.P.Poojaimani
- 31.S.Krishnamurthy
- 32.R.Samuel
- 33.S.Sirajudeen
- 34.P.Shalu



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.. Petitioners

Vs.

1. The Union of India
rep. by its Secretary
Department of Defence Production
New Delhi.
 2. The Registrar
The Central Administrative Tribunal
Madras Bench.
 3. The Chairman
Ordnance Factories Board
10, ASK Bose Road
Calcutta.
 4. The General Manager
Cordite Factory
Aravankadu
Nilgiris.
- ... Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of Certiorarified Mandamus to call for the
records relating to the proceedings in O.A.No.1067 of 2010 dated
07.8.2013 on the file of the second respondent and to quash the
same as illegal, incompetent and without jurisdiction and to
consequently direct the respondents 3 to 4 to revise and re-fix
the seniority of the petitioners along with Non-NCTVT/ITI
holders concerned, with all attendant benefits.

For Petitioners : Mr.V.Raghavachari
For Respondent-1 : Mr.N.Vijaya Baskar, ACGSC
For Respondents 3 & 4 : Notice served

O R D E R

(Made by Huluvadi G.Ramesh, J)

The petitioner seeks a writ of Certiorarified Mandamus to
call for the records relating to the proceedings in O.A.No.1067
of 2010 dated 07.8.2013 on the file of the second respondent and
to quash the same as illegal, incompetent and without
jurisdiction and to consequently direct the respondents 3 to 4
to revise and re-fix the seniority of the petitioners along with
Non-NCTVT/ITI holders concerned, with all attendant benefits.

2. Heard the learned counsel appearing for the petitioners
and the learned Additional Central Government Standing Counsel
appearing for the first respondent.

3. The petitioners, who are National Council for Training in the Vocational Trades/Industrial Training Institute certificate holders and working in the trade of Chemical Process Workers, were originally appointed in Semi-skilled Grade and promoted to Skilled grade on completion of two years of service. Though the petitioners were placed above the juniors in the seniority list prepared in the year 2003, they were placed below the juniors in the lists prepared in 2008 and 2009, without issuing any notice to them. Hence, the petitioners made representations to the fourth respondent and the same were rejected. Challenging the said rejection orders and seeking direction to revise and re-fix the seniority, the petitioners filed O.A.No.1067 of 2010. The Tribunal, holding that the petitioners did not possess relevant trade certificate and were promoted only after obtaining special exemption with a specific condition that they should claim re-designation at a later stage, dismissed the application. Hence, this writ petition.

4. According to the learned Additional Central Government Standing Counsel appearing for the first respondent, the seniority has been revised only as per the amended SRO and that the petitioners though holding NCTVT certificate, but the same was not in the relevant trade, namely Attendant Operator Chemical Plant (AOCP) and therefore, their request for revising the seniority cannot be considered favourably.

5. The question whether the petitioners are qualified with NCTVT certificate in the relevant trade cannot be gone into by this Court and the same has to be dealt with only by the Tribunal. Further, the Tribunal failed to take into consideration the fact that the petitioners have not been given notice before revising the seniority list placing the petitioners below their juniors. Therefore, it would be appropriate to set aside the order of the Tribunal and to remit the matter to the Tribunal and accordingly, the matter is remitted back to the Tribunal for re-consideration of the matter afresh, with a direction to the Tribunal to dispose of the matter within a period of two months from the date of receipt of the case, after affording opportunity to the both the parties. All the contentions are left open to be decided by the Tribunal.

The writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Asst.Registrar

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Sub Asst. Registrar

kpl

To

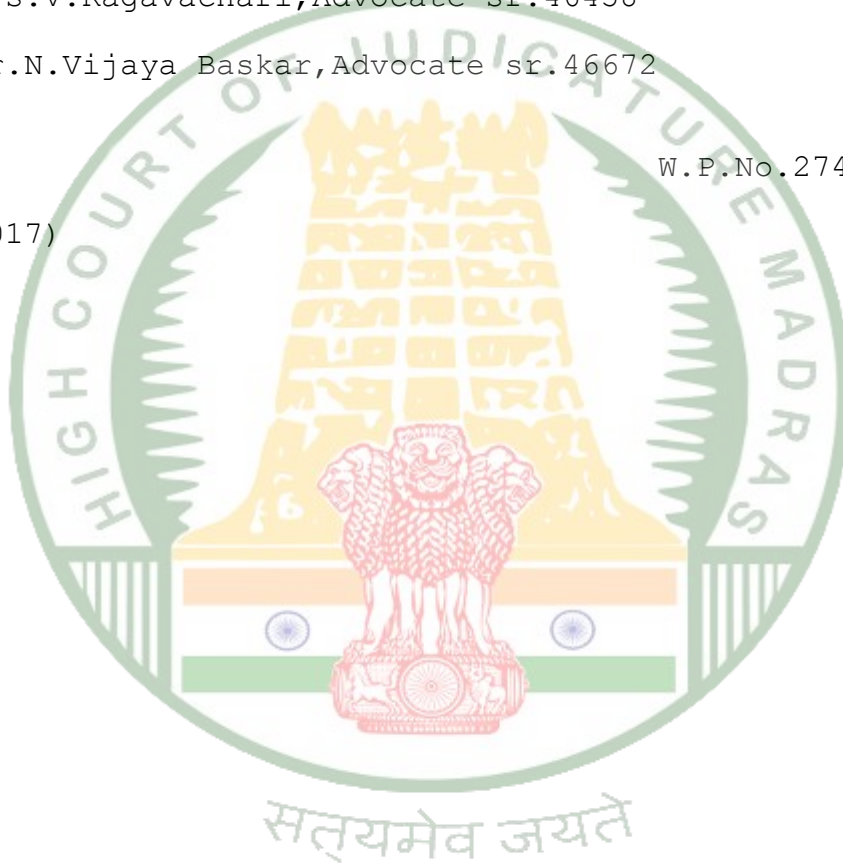
1. The Union of India
rep. by its Secretary
Department of Defence Production
New Delhi.
2. The Registrar
The Central Administrative Tribunal
Madras Bench.

+1cc to M/s.V.Ragavachari, Advocate sr.46458

+1cc to Mr.N.Vijaya Baskar, Advocate sr.46672

W.P.No.27459 of 2015.

ss(20/7/2017)



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