

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

**W.P.Nos.27965 and 26966 of 2017,
W.M.P.Nos.30014 to 30016 of 2017 and
W.M.P.Nos.32888 and 32889 of 2017**

- 1 Union of India owning
Southern Railway rep. by its
Additional Divisional Railway Manager II
Chennai Division First Floor
Park Town Chennai-600 003
- 2 The Sr. Divisional Commercial Manager
Divisional Railway Manager's Office
Second Floor Chennai Division
Southern Railway Park Town
Chennai-600 003
- 3 The Dy. Chief Commercial
Manager/R & FM/MAS & Inquiry Officer
Chief Commercial Manager's Office
Ground Floor General Manager's Office Building
Southern Railway Park Town
Chennai-600 003

Petitioners

Versus

- 1 The Registrar
Central Administrative Tribunal
Chennai Bench Chennai 600 104
- 2 Ms.S.Rosaline Arokia Mary
- 3 Ms.A.V.Yogachitra
- 4 Ms.P.Nirupana
- 5 Mrs.A.Manju
- 6 Ms.S.Sakunthala
- 7 Ms.T.Anitha

8 Ms.B.K.Navaneetham
 9 Ms.K.Suchethapani
 10 Ms.D.Vijayamala

Respondents

Prayer: Writ petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of calling for the entire records of the 1st respondent in M.A.Nos.727 and 728 of 2017 in O.A.No.585 of 2017 including the order dated 13.10.2017 and quash the same.

For petitioners : Mr.R.Thiyagarajan, Senior Counsel
 for P.T.Ramkumar

For RR 2 to 10 : Mr.Muthukumaraswamy, Senior Counsel
 Mr.C.K.Chandrasekar

COMMON ORDER

(Order of the court was made by RMT.TEEKAA RAMAN,J.)

Learned counsel appearing for the employees/respondents 2 to 10 would submit that originally, they filed O.A.No.585 of 2017 at the stage of issuance of charge memo for the proposed domestic enquiry relating to various charges and during the pendency of the Original Application before the Central Administrative Tribunal, the Railways/appellants herein have passed final order terminating the services of the contesting private respondents and hence, they had been constrained to file miscellaneous application in M.A.No.727 of 2017 for amendment of prayer and M.A.No.728 of 2017 seeking stay of operation of the order dated 5.9.2017 of the second appellant herein which were allowed as against the said order, the Railways have preferred these writ petitions and interim stay has been obtained. The learned counsel would further submit that since there was an appeal remedy provided before the appellate authority as per the Service Rule, they may be permitted to withdraw the main O.A., now pending before the Central

Administrative Tribunal and to file appeal before the Department as per the Service Rules.

2. In view of the above submission, the writ petitions are disposed of permitting the contesting private respondents herein to withdraw the main O.A. pending before the Central Administrative Tribunal within a period of two weeks from today making it clear that it is open to them to prefer appeal before the Department, within a period of two weeks from the date of withdrawal of the O.A. pending before the Central Administrative Tribunal. No costs. The connected miscellaneous petitions are closed.

(H.G.R.,J.)(T.K.R.,J.)

11.12.2017.

Index:Yes/No
Internet:Yes/No
ssk.

Note to office:-

**Issue copy of this order
by 14.12.2017.**

To:

- 1 Union of India owning
Southern Railway rep. by its
Additional Divisional Railway Manager-II
Chennai Division First Floor
Park Town Chennai-600 003
- 2 The Sr. Divisional Commercial Manager
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- 4 The Registrar
Central Administrative Tribunal
Chennai Bench Chennai 600 104



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**HULUVADI G. RAMESH, J.
AND
RMT.TEEKAA RAMAN, J**

ssk.



W.P.Nos.27965 and 27966 of 2017

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