

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.2943 of 2017 and

W.M.P.No.2831 of 2017

1. Union of India Represented by the General Manager,
Southern Railway, Park Town, Chennai 600 003
2. The Chief Personnel Officer,
Southern Railway, Park Town, Chennai.
3. The Dy. Chief Materials Manager, General Stores,
Stores Depot, Southern Railway, Perambur,
Ayanavaram, Chennai 23. ...Petitioners

Vs.

1. The Registrar, Central Administrative Tribunal,
Chennai Bench, High Court Campus,
Chennai 600104.
- 2.Madhuri Latha
- 3.L.Chaiathanya Booshan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the entire records of the order dated 12.8.2016 passed by the 1st Respondent Tribunal in O.A.No.310/01343/2016 and QUASH the same.

For Petitioner : Mr.V.Haribabu

For Respondents: Mr.L.Chandrakumar
for R2 and R3
R1- Tribunal

O R D E R

K.K.SASIDHARAN, J.

This writ petition is directed against the order dated 12 August 2016 in O.A.No.310/01343/2016, allowing the Original Application without even permitting the petitioners to file

reply statement.

2. Heard the learned standing counsel for the Railways and the learned counsel for the respondents 2 and 3.

3. The respondents 2 and 3 filed Original application before the Tribunal to quash the order dated 21 July 2016 and direct the petitioners herein to consider the case of the third respondent for compassionate appointment. Before the Tribunal, the petitioners entered appearance and prayed for time to file reply statement.

4. The Tribunal, without adhering to the request made by the petitioners to file reply statement proceeded to hear the Original Application on merits and ultimately, allowed it with a direction to the petitioners to consider the case of the second respondent for compassionate appointment to the third respondent, within a period of three months. The said order is under challenge in this writ petition.

5. There is no dispute that there was an order passed by the Railways, which was challenged by the respondents 2 and 3 before the Tribunal. Since there was an adverse order passed by the petitioners herein and the Tribunal was considering the legality and correctness of the said order, principles of natural justice would require that reasonable opportunity should be given to the opposite party to file reply statement. In fact, a request was made by the learned counsel for the petitioners herein before the Tribunal to permit the Railways to file reply statement. The said request is found mentioned in Paragraph 4 of the order impugned in this Writ petition. Even thereafter, the Tribunal proceeded to hear the matter on merits. We are not in a position to appreciate the manner in which the Original Application was disposed of by the Tribunal, without giving reasonable opportunity to the petitioners to file reply statement. The Tribunal in its eagerness to do justice to the respondents 2 and 3 herein, has done injustice to the petitioners by not granting them reasonable time to file reply statement.

6. There is nothing on record to show that the views of the Railways were ascertained before passing the impugned order. Even otherwise, the impugned order is liable to be set aside for the simple reason that while giving direction to consider the matter afresh, the Tribunal has not quashed the order, which was challenged in O.A.No.310/01343/2016. There is no question of directing the petitioners to consider the case afresh, unless the impugned order is set aside in the manner known to law. However, no such effort was taken by the Tribunal. We are therefore of the view that the impugned order is liable to be set aside.

7. In the result, the order dated 12 August 2016 is set aside. The Original Application in O.A.No.310/01343/2016 is restored to file. The Tribunal is directed to give reasonable

opportunity to the petitioners to file reply statement and thereafter, decide the issue on merits and as per law, as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this order.

8. The Writ petition is allowed as indicated above. No costs. consequently connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

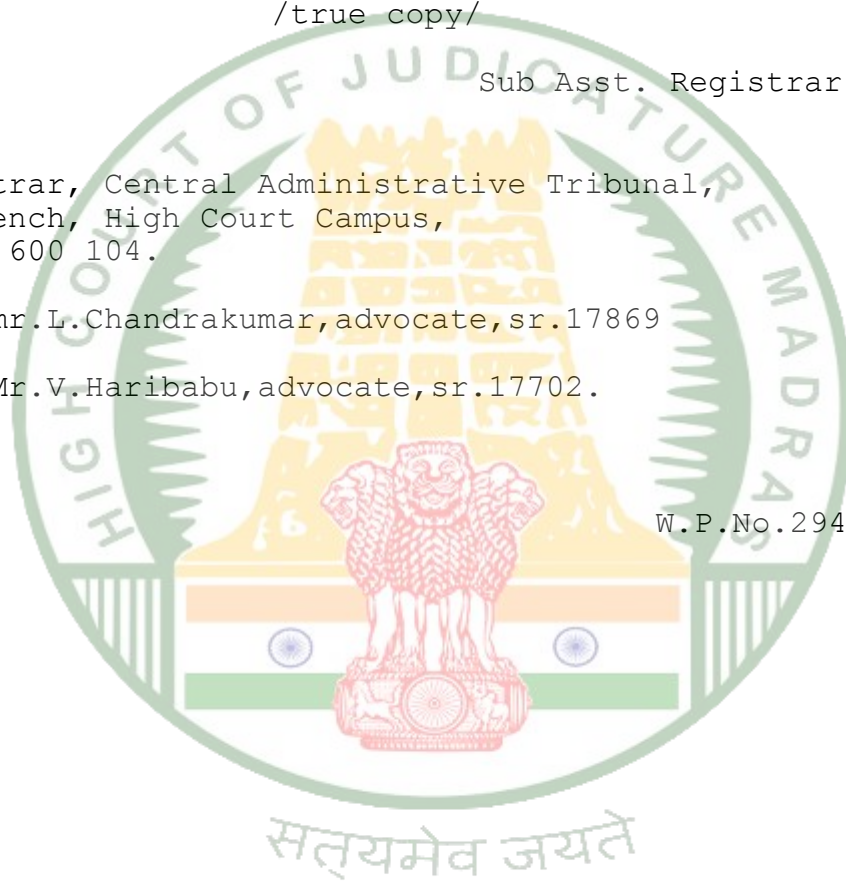
The Registrar, Central Administrative Tribunal,
Chennai Bench, High Court Campus,
Chennai - 600 104.

+1 cc to mr.L.Chandrakumar,advocate,sr.17869

+1 cc to Mr.V.Haribabu,advocate,sr.17702.

kk(co)
krd 7/4

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