

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2017

CORAM:

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

W.P.No.37753 of 2015 and
M.P.Nos.1 and 2 of 2015

H.V.Ramakrishnamurthy

...Petitioner

vs.

- 1.The Registrar
Central Administrative Tribunal
Madras Bench, Chennai.
- 2.The Union of India, Rep. by Secretary,
Railway Board, Rail Bhavan
New Delhi.
- 3.The General Manager,
Integral Coach Factory (ICF)
Chennai - 38.
- 4.The Chief Personnel Officer,
Integral Coach Factory (ICF)
Chennai -38.
- 5.The Assistant Personnel Officer
Integral Coach Factory (ICF)
Chennai -38.

...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 17.11.2015 made in O.A.No.310/01589/15, on the file of the Central Administrative Tribunal, Madras Bench, and quash the same and thereby quash the order dated 12.11.2015 issued by the 4th respondent under reference No.PB/CON/5/2/105 in so far as reverting the petitioner from the post of Assistant Electrical Engineer (Group B) to the post of Senior Section Engineer is concerned.

For Petitioner : Mr.N.Anand Venkatesh
For Respondents: R1 - Tribunal
Mr.V.Hari Babu for R2 to R5

O R D E R

(delivered by K.K. SASIDHARAN,J.)

The petitioner was promoted to the post of Assistant Electrical Engineer, subject to the outcome of the application in O.A.No.621 of 2012, pending on the file of the Central Administrative Tribunal. The order dismissing the said original application was set aside by the Division Bench in W.P.No.1201 of 2015. The respondents complied with the said order by appointing the petitioner in O.A.No.621 of 2012 as Assistant Electrical Engineer and consequently, the promotion of the petitioner was cancelled. The original application filed by the petitioner challenging the cancellation of his promotion was dismissed by the Tribunal on the ground that the very promotion was made subject to the outcome of the Original Application and as such, the respondents were correct in cancelling the said promotion on account of the subsequent events relating to the grant of the prayer in O.A.No.621 of 2012. The said order is under challenge in this writ petition.

2. The learned counsel for the petitioner contended that the High Court in the order dated 23 March 2015 in W.P.No.1201 of 2015 directed the respondents to accommodate the writ petitioner in any of the administrative posts in the cadre of Assistant Electrical Engineer and there was no direction for reversion of the petitioner. This aspect was not considered by the Central Administrative Tribunal. According to the learned counsel, the petitioner was found suitable for promotion in all respects and as such, the respondents were not correct in cancelling the promotion at a later point of time.

3. The petitioner was promoted to the post of Assistant Electrical Engineer by order dated 25 July 2012. There was a clear indication in the said order that the promotion was subject to the result of the original application in O.A.No.621 of 2012 on the file of the Central Administrative Tribunal. The original application was filed by Mr.Thirumalai Ramanan, challenging the order denying him promotion to the post of Assistant Electrical Engineer. Though the original application in O.A.No.621 of 2012 was dismissed by the Tribunal, the related writ petition was allowed by the Division Bench, by order dated 23 March 2015 in W.P.No.1201 of 2015. It was only to implement the said order, the 4th respondent passed the order, dated 12 November 2015. The petitioner was reverted from the post of Assistant Electrical Engineer to the post of Senior Section Engineer, so as to enable the Department to appoint the

petitioner in W.P.No.1201 of 2015 as Assistant Electrical Engineer. When a challenge was made, the Tribunal rightly dismissed the original application taking into account the condition prescribed in the order granting promotion to the petitioner.

4. The petitioner accepted the promotion to the post of Assistant Electrical Engineer along with the condition that such promotion is subject to the result of the original application filed by another candidate, who was denied promotion. Since the writ petition filed by the non-selected candidate was allowed by the High Court, the authorities have no other option than to accommodate him by reverting the petitioner from the post of Assistant Electrical Engineer. So long as the order dated 22 March 2015 in W.P.No.1201 of 2015 is in operation, the petitioner cannot be heard to say that he was treated unfairly by cancelling his promotion. We are therefore of the view that the Tribunal was correct in denying relief to the petitioner.

5. In the up shot, we dismiss the writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Registrar
Central Administrative Tribunal
Madras Bench, Chennai.

2.The Secretary,
The Union of India,
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5.The Assistant Personnel Officer
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Chennai -38.

+1cc to Mr.N. Anand Venkatesh , Advocate, S.R.No.4817
+1cc to Mr.V. Haribabu, Advocate, S.R.No.4665

pk(CO)
md(20/02/2017)

W.P.No.37753 of 2015



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