

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.2.2018

CORAM

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

W.P.No.3317 of 2018
and
W.M.P.No.4313 and 4314 of 2018

1. G.Munusamy
 2. R.Manokar
 3. J.Moorthi
 4. V.Mani
 5. A.Mohamed Jaffer Ali
- Petitioners

Versus

1. Union of India,
rep. by its Secretary,
Ministry of Defence,
New Delhi 110 001.
 2. The Commandant,
Officers Training Academy,
St. Thomas Mount, Chennai 600 016.
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the order dated 16.11.2017 in Miscellaneous Application No.707/2017 in Original Application No.1937 of 2016 passed by the Central Administrative Tribunal Chennai and quash the same and consequently direct the respondents to accommodate the petitioners in the vacancies notified by the 2nd respondent on 12.08.2017 in various posts.

For petitioners : Ms.Kavitha Deenadayalan

ORDER

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

Challenging the order of dismissal made in I.A.No.616 of 2017 by the Central Administrative Tribunal, the unsuccessful petitioner has preferred this writ petition.

2. It appears that the petitioners, being ad hoc employees in various posts, having sponsored by the employment exchange, had approached the Central Administrative Tribunal in the first round of litigation in O.A.310/01455/2015, seeking a direction to consider them for the post which they had applied, on preferential basis by giving relaxation in respect of age and educational qualification. By order dated 16.9.2016, the Tribunal had observed that the petitioners can be considered in the future vacancies by relaxing their age and educational qualification. Thereafter, by contending that the said order has not been followed by the respondents herein in its letter and spirit, the petitioners, once again approached the Tribunal in the present Original Application and pending the said Original Application the respondents had issued another notification dated 12.8.2017 and hence, the interim application had been preferred by the petitioners seeking stay of operation of the said notification. The order passed by the Tribunal rejecting the said application is under challenge in the present writ petition.

3. The contention raised by the counsel appearing for the application before the Tribunal is that order passed by the Tribunal in O.A.No.1455 of 2015 was not followed in its letter and spirit and hence, he had requested the Central Administrative Tribunal to direct the respondents to grant relaxation in age as well as educational qualification and consider them against the future vacancies by granting the relief in respect of age and educational qualification.

4. After considering the rival contentions in the interim petition, especially, the contention raised on behalf of the respondents to the effect that they had sincerely complied with the order passed by the Tribunal to the extent possible and to the extent the Rules/Policies of Government of India permit them and the fact that the relief cannot be considered in the interim application, the Central Administrative Tribunal rejected the interim application.

5. Considering the factual matrix and the fact that the issue relates to relaxation of age and educational qualification, we are also of the view that it cannot be decided in the interim application and therefore, we are not inclined to

interfere with the order of the Tribunal as the same does not suffer from any illegality or irregularity. In that view of the matter, the writ petition is dismissed. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

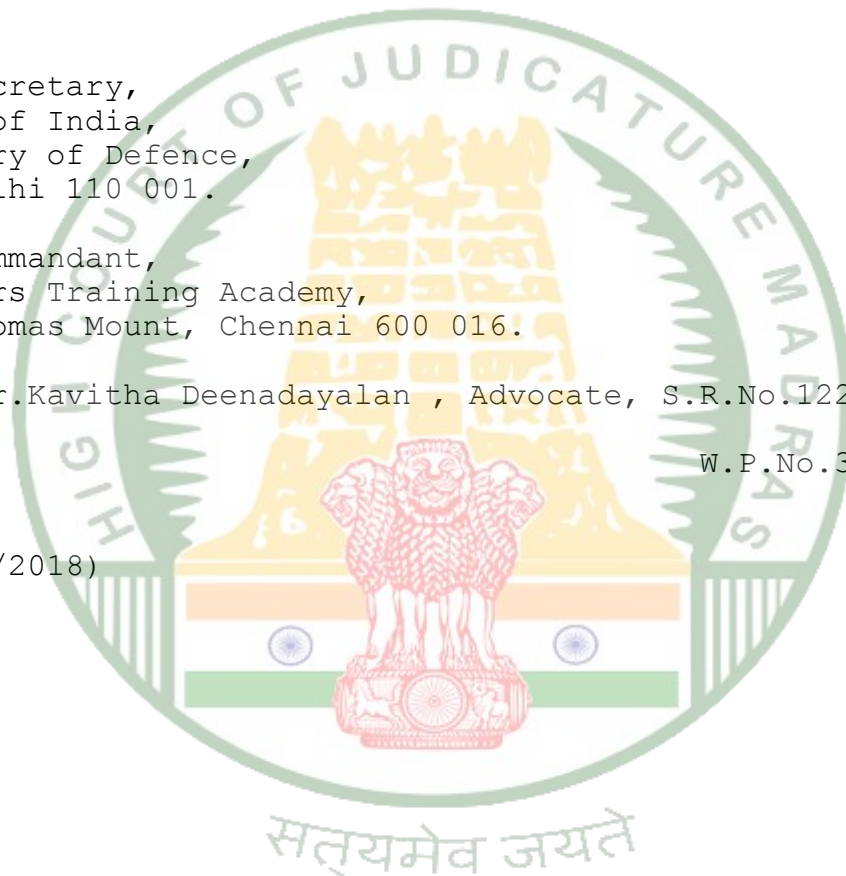
To:

1. The Secretary,
Union of India,
Ministry of Defence,
New Delhi 110 001.
2. The Commandant,
Officers Training Academy,
St. Thomas Mount, Chennai 600 016.

+1cc to Mr.Kavitha Deenadayalan , Advocate, S.R.No.12219

W.P.No.3317 of 2018

RK(CO)
RRK(23/03/2018)



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