

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018
CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.5618 of 2018

1. The Union of India
rep. by the General Manager
Southern Railways, Park Town
Chennai - 600 003.
2. The Chief Personnel Officer
Southern Railways, Park Town
Chennai - 600 003.
3. The Senior Divisional Personal Officer
Chennai Division, Southern Railways
Park Town, Chennai - 600 003. .. Petitioners

Vs.

1. Nunna Siva Priya
2. The Registrar
Central Administrative Tribunal
Madras Bench
Chennai - 600 104. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the entire records of the second respondent in M.A.No.647/17 and R.A.No.310/00018/2017, dated 24.11.2017 in O.A.No.310/01332 of 2016 and quash the same.

For Petitioners : Mr.P.T.Ramkumar

For Respondents : Mr.G.Suriyanarayanan
for Mr.K.Ethiraj
for 1st respondent

ORDER

(Made by the Hon'ble Chief Justice)

The petitioners have preferred this writ petition against the order dated 24.11.2017 of the Central Administrative Tribunal, Madras Bench, passed in M.A.No.647 of 2017 and Review Application/310/00018/2017. By the said

order, the delay in filing the review application was condoned and the review application preferred by the first respondent came to be allowed.

2. It is an admitted fact that the first respondent had preferred Original Application/310/01332/2016 before the Central Administrative Tribunal, Madras Bench. By order dated 3.5.2017, the said Original Application came to be dismissed. Being aggrieved thereby, the first respondent preferred Review Application/310/00018/2017, which, as stated earlier, came to be allowed.

3. The grievance of the petitioners is that no notice was issued to them in the review application filed by the first respondent. Even as far as the application for condonation of delay is concerned, no notice was issued to them. The learned counsel for the petitioners submitted that in view of the fact that no opportunity was given to them, the order of the Tribunal dated 24.11.2017 ought to be set aside.

4. It is an admitted fact that the petitioners were not given any notice in relation to the review application preferred by the first respondent. An opportunity ought to have been given to the present petitioners before the review application came to be allowed.

5. In this view of the matter, without expressing any opinion on the merits of the matter, in the interest of justice, we allow the writ petition and set aside the order dated 24.11.2017 of the Central Administrative Tribunal, Madras Bench, passed in Review Application/310/00018/2017, only on the ground that no opportunity was given to the present petitioners and remit the matter to the Central Administrative Tribunal, Madras Bench, to hear the parties concerned in the review application and thereafter dispose of the review application on merits and in accordance with law. No costs. Consequently, W.M.P.No.6942 of 2018 is closed.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

sasi

To:

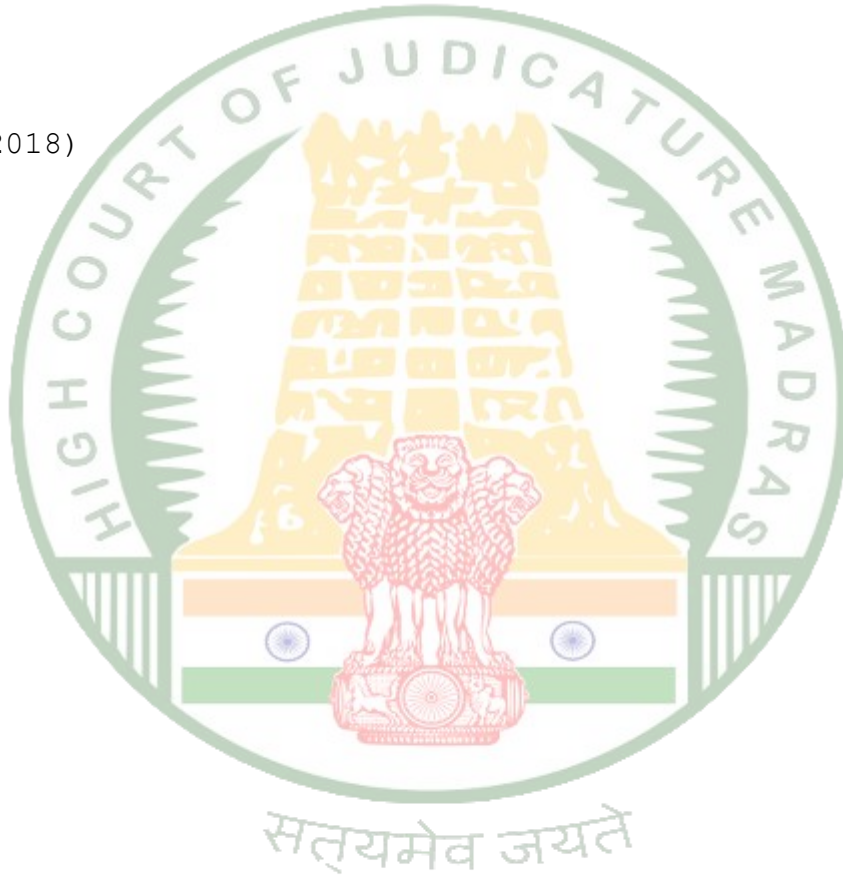
The Registrar
Central Administrative Tribunal
Madras Bench
Chennai - 600 104.

+1 CC to Mr.K. Ethiraj, Advocate sr 60415.

+1 CC to Mr.P.T. Ramkumar, Advocate sr 60511.

W.P.No.5618 of 2018

SP(11/09/2018)



WEB COPY