

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOUR ABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.Nos.1991 and 1992 of 2018  
and  
C.M.P.Nos.15833 and 15834 of 2018

- 1 The Public Enterprises Selection Board  
rep. by its Secretary  
Department of Personnel & Training  
Government of India  
Public Enterprises  
Bhawan Block No.14 CGO Complex,  
Lodhi Road New Delhi 110 003.
- 2 Secretary to Government  
Ministry of Shipping  
Government of India  
Ministry of Shipping  
Transport Bhawan  
No.1 Parliamentary Street  
New Delhi 110 001

... Appellants (in both Appeals)

Versus

- 1 Cyril C.George
- 2 The Kamarajar Port Trust Ltd.,  
rep. by its Secretary Chennai

...Respondents (in both Appeals)

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.7.2017 passed in W.P.No.13675 and 15499 of 2017 on the file of this court.

W.P.No.13675 and 15499 of 2017

Petition filed under Article 226 of the constitution of India praying for the issue of a writ of certiorarified Mandamus

to call for the records relating to the interview and selection for the post of 3rd respondent Chairman and Managing Director Kamarajar Port Trust Limited as invited by 1st respondent circular dated 28.2.2017 to be held on 1.6.2017 and to quash the same and consequently direct the 1st respondent to conduct afresh interview by issuing interview call letters including to the petitioner on the basis of the petitioners application dated 22.3.2017 and proceed with the selection of the candidates by the respondents to the post of Chairman cum Managing Director of 3rd respondent

For appellants : Mr.G.Rajagopalan,  
Additional Solicitor General  
assisted by Mr.Venkataswamy Babu  
For R1 : Mr.P.Wilson, Senior Counsel  
for Mr.Richardson Wilson  
For R2 : Mr.M.T.Arunan, Standing Counsel

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Additional Solicitor General for the appellants and Mr.P.Wilson, learned Senior Counsel for the first respondent/writ petitioner.

2. The writ appeal has been filed by the Department challenging the order passed by the learned Single Judge in directing them to permit the first respondent/writ petitioner to take part in the interview for the post of Chairman and Managing Director of Kamarajar Port Limited and thereafter declare the results.

3. It appears that the first respondent, having served in various posts in various Port Trusts and presently serving as Deputy Chairman of Chennai Port Trust, had applied for the post of Chairman and Managing Director, Kamarajar Port Limited, Chennai on the basis of a Circular issued by the authorities inviting applications from eligible officers of all major Ports, however, finding that his name was not included in the list of candidates called for interview, he had challenged on one hand and the said interview and selection based on the circular with the claim of conduct of interview afresh by including after issuing interview call letter to him and on the other hand, he had challenged the compendium of guidelines regarding Board level appointments in Central Public Sector Enterprises and to quash clause 8(b) and (iii) therein.

4. The learned Single Judge, on appreciating the factual aspects in the light of various circulars with regard to the issue in question and the rules and guidelines governing the same, directed the appellants to permit the first respondent/petitioner to take part in the interview.

5. Whiles, now, when the matter was taken up for hearing, the learned Additional Solicitor General appearing for the appellants would submit that they are going to adopt a different method/process of selection viz., search cum selection process.

6. If that be so, recording the same, while disposing of the writ appeal, we make it clear that there may not be any impediment for the appellants to permit the first respondent to participate in the process of selection, if he is, otherwise, found eligible. No costs. The connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1 The Secretary  
The Public Enterprises Selection Board  
Department of Personnel & Training  
Government of India  
Public Enterprises  
Bhawan Block No.14 CGO Complex,  
Lodhi Road New Delhi 110 003.

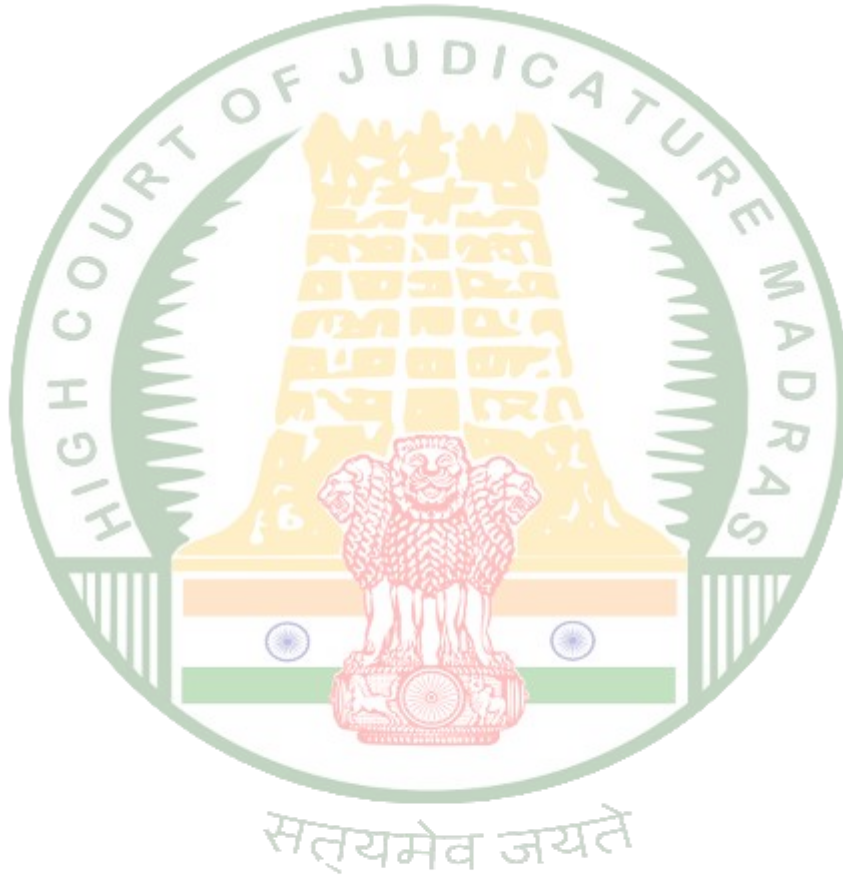
2 Secretary to Government  
Ministry of Shipping  
Government of India  
Ministry of Shipping  
Transport Bhawan  
No.1 Parliamentary Street  
New Delhi 110 001

3 The Secretary  
The Kamarajar Port Trust Ltd.,  
Chennai

+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No.62869

W.A.Nos.1991 & 1992 of 2018

CP (CO)  
GSP (17/10/2018)



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