

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.615 of 2018
and
C.M.P.No.5985 of 2018

- 1.The Managing Director,
Chennai Metro Rail Limited,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai-600 107.
- 2.The General Manager - Human Resources,
Chennai Metro Rail Limited,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai-600 107.
- 3.The Manager-Human Resources,
Chennai Metro Rail Limited,
Harini Towers, No.7, Cornon Smith Road,
Gopalapuram, Chennai-600 086. ... Appellants

-vs-

- 1.M.Karthikeyan
- 2.The Chairman,
Secretary to the Government of India,
Ministry of Urban Development,
Chennai Metro Rail Ltd.(CMRL),
Fort St.George, Chennai-600 009. .. Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in Review Application No.129 of 2017 in W.P.No.31492 of 2016 dated 18.08.2017 in so far as directing the appellants / official respondents to draw merit list as per Notification CMRL/HR/06/2016 dated 24.08.2016 only as far as the writ petitioners are concerned.

W.P. 31492/2016:

Writ of Certiorarified Mandamus Calling for the records pertaining to the impugned cancellation notification dt

23.8.2016 and the consequential Advertisement No.CMRL/HR/06/2016 for the posts of Junior Engineer Grade II published by the respondents and signed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to issue appointment order to the petitioner who was already selected for the Post Code - 01 Station Controller/Train Operator/Jr. Engineer (Station)-as per the selection list published by the 3rd respondent during July 2013 and thus render Justice.

For Appellants :: Mr.Vijay Narayan,
Advocate General for
Mr.Jayesh B.Dolia

For Respondents:: Ms.Subashini for
M/s.Chennai Law Associates for R1

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

Pursuant to the order passed by the learned single Judge in W.P.No.31492 of 2016 dated 02.01.2017, an appeal was filed in W.A.No.401 of 2017. The said writ appeal was disposed of on 17.04.2017 giving liberty to the appellants to seek clarification or review of the order passed by the learned single Judge. Accordingly a review application was filed in Review Application No.129 of 2017 to review the order passed in the said writ petition. The said review application was taken up along with two other similar review applications and the same were allowed by passing a common order dated 18.08.2017. The operation portion of the order reads as follows:

"8.In the light of the fact that the respondents / writ petitioners have no objection for restoration of the cancellation Notification dated 23.08.2016 as well as the employment Notification in Advt.No.CMRL/ HR/06/2016 dated 23.08.2016, these review applications are allowed with the following directions:

(i)Paragraph No.17(i) of the common order dated 02.01.2017 made in W.P.Nos.15196, 15197, 31491, 31492 and 31550 of 2016 insofar as the impugned Cancellation Notification dated 23.08.2016 and consequential employment notification dated 23.08.2016 is recalled and both stand restored.

(ii)The applicants / official respondents in the writ petitions, in the light of the stand taken in Ground(D) of the Review Application, is directed to draw the merit list as per the above said notification/ advertisement dated 23.08.2016 insofar as the respondents / writ petitioners are concerned

and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the writ petitioners. No costs."

2.The present writ appeal has been filed challenging the order passed in respect of Rev.Appl.No.129 of 2017 in W.P.No.31492 of 2017.

3.The learned single Judge has discussed the matter in detail and has passed the order allowing the review applications, in the light of the fact that the writ petitioners have no objection for restoration of the cancellation notification and employment notification. In the considered opinion of this Court, there is no scope for any interference of the said order. If at all any clarification is required in the order passed in the review application, liberty is given to the appellants to seek clarification of the said order passed by the learned single Judge, requesting the Registry to post the matter under the caption "for being mentioned".

4.The writ appeal is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

KM

To

1.The Managing Director,
Chennai Metro Rail Limited,
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4.The Chairman,
Secretary to the Government of India,
Ministry of Urban Development,
Chennai Metro Rail Ltd.(CMRL),
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+1 Cc to Mr. Jayesh B. Dolia, Advocate sr 21306.

W.A.No.615 of 2018
and
C.M.P.No.5985 of 2018

RK(CO)
SP(10/04/2018)



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