

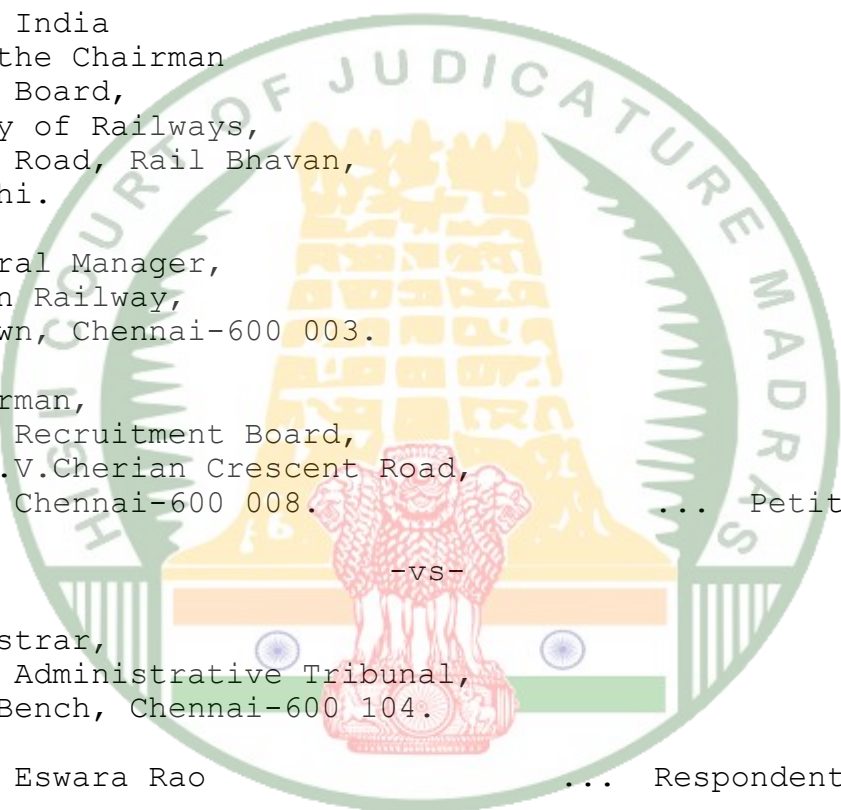
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.2673 of 2017

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- 1.Union of India
rep.by the Chairman
Railway Board,
Ministry of Railways,
Raisana Road, Rail Bhavan,
New Delhi.
- 2.The General Manager,
Southern Railway,
Park Town, Chennai-600 003.
- 3.The Chairman,
Railway Recruitment Board,
5, Dr.P.V.Cherien Crescent Road,
Egmore, Chennai-600 008. Petitioners
- vs-
- 1.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai-600 104.
- 2.Banikara Eswara Rao Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the entire records of the first respondent in O.A.No.310/00976/2015 including the order dated 08.03.2016 and quash the same.

For Petitioners:: Mr.A.Thiyagarajan, Sr.Counsel
for Mr.M.Vijay Anand

For Respondents:: Mr.N.G.R.Prasad for
Mr.C.K.Chandrasekar for R2

ORDER

(Made by HULUVADI G.RAMESH, J.)

The second respondent herein has filed an application before the first respondent Tribunal in O.A.No.310/00976/2015 for a direction to the appellants herein to consider his candidature and offer appointment to the post of Health and Malaria Inspector / Grade-II in PB-2 Rs.9300-34800 + GP Rs.4,200 with all consequential benefits and also to hold that the declaration obtained from the second respondent by way of force and threat on 29.06.2015 is null and void.

2.The Tribunal held that the point for consideration is as to whether the applicant, who is admittedly an empanelled candidate for the post of Health and Malaria Inspector under the Railways could be appointed based on the certificates issued by the Institute of Public Health and Hygiene, New Delhi. After framing the above point, the Tribunal allowed the original application by order dated 08.03.2016 relying upon the decision of the Central Administrative Tribunal, Hyderabad in O.A.No.806 of 2013 dated 18.11.2015, in respect of similarly situated persons, wherein it has been held that in compliance of the order of the Central Administrative Tribunal, Chennai, the Railway Board constituted a Committee to decide the issue and the Committee members came to the conclusion that the syllabus of the course in question covers most of the aspects of the duties and responsibilities of a Health & Malaria Inspector and accordingly, it has been decided that the applicants possessing Diploma from the Institute of Public Health & Hygiene, New Delhi, were academically equipped to discharge the duties of the said post. The matter has been decided on the ground of equity. Challenging the order passed by the Tribunal dated 08.03.2016, the present writ petition has been filed by the Department.

3.Heard the learned counsel on either side and perused the materials available on record.

4.When the similarly situated persons like that of the second respondent herein have been granted the relief in O.A.No.806 of 2013 dated 18.11.2015 by the Central Administrative Tribunal, Hyderabad, the appellants could not carve out an exception regarding the case of the second respondent alone. Further the learned senior counsel for the appellants has conceded that the said order passed by the Central Administrative Tribunal, Hyderabad has been complied with. In such view of the matter, the writ petition fails and accordingly the same is dismissed. No costs.

5.The appellants are directed to comply with the impugned order passed by the Tribunal within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KM

To

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

+1cc to Mr.M.Gnanasekar, Advocate Sr.41066
+1cc to Mr.M.Vijay Anand, Advocate Sr.41107

W.P.No.2673 of 2017

srg 11/07/2018

सत्यमेव जयते

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