

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2018

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16293 of 2018

and

W.M.P.Nos.20698 and 19407 of 2018

Cyril C.George

..Petitioner

vs.

- 1.The Government of India,
Rep.by its Secretary to Government,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pensions,
North Block, Central Secretariat,
New Delhi - 110 001.
- 2.The Government of India,
Rep.by its Secretary to Government,
Ministry of Shipping,
Transport Bhavan,
No.1, Parliamentary Street,
New Delhi - 110 001.
- 3.The Chief Vigilance Officer,
Ministry of Shipping,
Transport Bhavan,
No.1, Parliamentary Street,
New Delhi - 110 001.
- 4.The Chief Vigilance Officer,
Chennai Port Trust,
No.1.Rajaji Salai,
Chennai - 600 001.
- 5.The Chief Vigilance Officer,
Cochin Port Trust, Willington Island,
Kochi - 682 009.
- 6.The Central Vigilance Commission,
Rep.by its Secretary,
Satarkata Bhavan, 'A' Block,
GPO Complex, INA,
New Delhi - 110 023.

..Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus, forbearing the respondents to proceed with selection to the post of Chariman, Port Trust as per Notification No.A-12022/9/2015-PE-I dated 29.09.2017 and subsequent Notification No.A-12022/9/2015/PE-I dated 15.02.2018, Notification No.A-12022/5/2016/PE.I dated 07.07.2017 and Notification No.A-12022/1/2016-PE.I dated 27.11.2017 issued by the 2nd respondent, without passing orders for vigilance clearance based on the representation submitted by the petitioner dated 09.06.2018 on merits and in accordance with law in compliance to the orders passed in W.A.No.973 of 2018 dated 25.04.2018.

For petitioner : Mr.G.Sankaran
For Respondents : Mr.G.Rajagopalan,
Additional Solicitor General
of India Assisted by
Mr.K.Srinivasamurthy
for R1 & R2
Mr.M.Palanimuthu for R4

O R D E R

The relief sought for in this writ petition is to forbear the respondents to proceed with selection to the post of Chariman, Port Trust as per Notification No.A-12022/9/2015-PE-I dated 29.09.2017 and subsequent Notification No.A-12022/9/2015/PE-I dated 15.02.2018, Notification No.A-12022/5/2016/PE.I dated 07.07.2017 and Notification No.A-12022/1/2016-PE.I dated 27.11.2017 issued by the 2nd respondent, without passing orders for vigilance clearance based on the representation submitted by the petitioner dated 09.06.2018 on merits and in accordance with law in compliance to the orders passed in W.A.No.973 of 2018 dated 25.04.2018.

2.The grievance of the writ petitioner, at the time of filing of the present writ petition was that, he submitted an application for the Vigilance clearance. However, the same has not been disposed of by the Vigilance Department, and that prompted the writ petitioner to move the present writ petition under Article 226 of the Constitution of India.

3.However, this Court cannot appreciate the relief as such sought for in view of the fact that the relief sought for is to forbear the respondent from proceeding with the selection. Courts cannot restrain the competent authorities to proceed with the selection. If at all there is any illegality or irregularity in the process of selection, that can be interfered with by the Courts. However, non issuance of the Vigilance clearance in

respect of the petitioner alone cannot be a ground to interfere with the entire selection process.

4. May that it be. Mr. G. Rajagopalan, learned Additional Solicitor General of India, informed this Court that the representations submitted by the writ petitioner for Vigilance clearance had already been considered by the competent authorities and an order of rejection was passed in proceedings dated 04.07.2018 and the same had been served to the writ petitioner on 05.07.2018. The order itself had been served to the writ petitioner on 05.07.2018 and at this juncture, the learned counsel for the petitioner states that he would be challenging the said order of rejection. However, it is left open to the writ petitioner to adjudicate the same in the manner known to law. However, in respect of the relief as such sought for in the present writ petition, no further consideration is required in view of the fact that the application/representation submitted by the writ petitioner had already been rejected and accordingly, the respondents are at liberty to proceed with the selection, conclude the same and take a decision and pass orders on merits and in accordance with law.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of India,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pensions,
North Block, Central Secretariat,
New Delhi - 110 001.

2. The Secretary to Government,
Government of India,
Ministry of Shipping,
Transport Bhavan,
No.1, Parliamentary Street,
New Delhi - 110 001.

3.The Chief Vigilance Officer,
Ministry of Shipping,
Transport Bhavan,
No.1, Parliamentary Street,
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4.The Chief Vigilance Officer,
Chennai Port Trust,
No.1.Rajaji Salai,
Chennai - 600 001.

5.The Chief Vigilance Officer,
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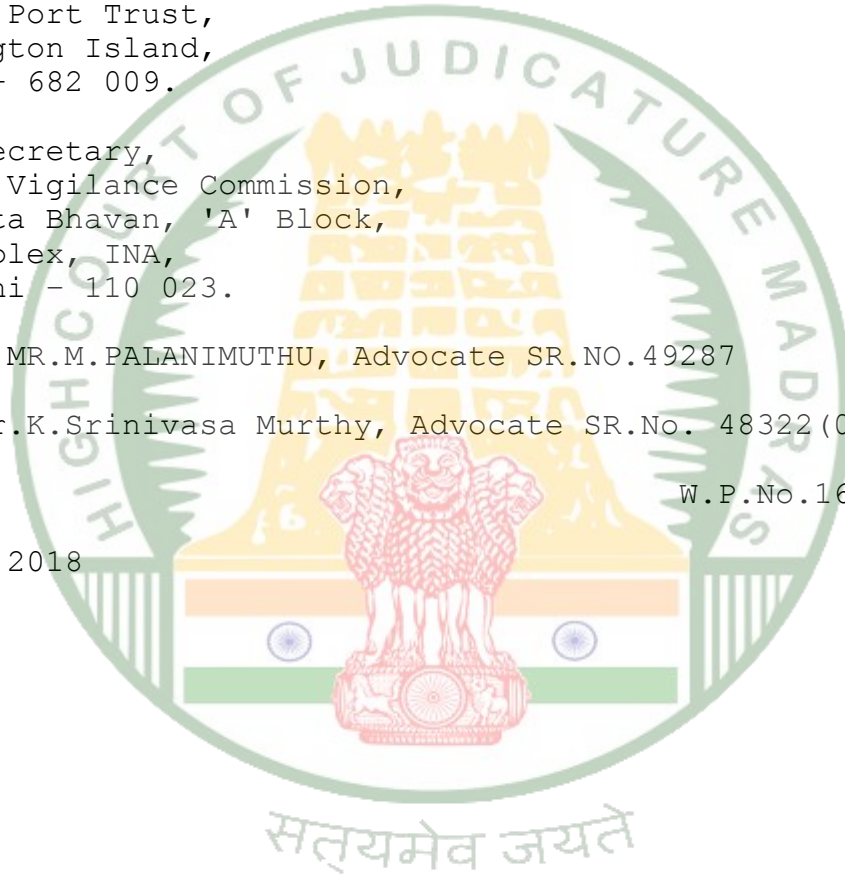
6.The Secretary,
Central Vigilance Commission,
Satarkata Bhavan, 'A' Block,
GPO Complex, INA,
New Delhi - 110 023.

+1 cc to MR.M.PALANIMUTHU, Advocate SR.NO.49287

+1cc to Mr.K.Srinivasa Murthy, Advocate SR.No. 48322(06/09/2018)

W.P.No.16293 of 2018

EV(CO)
SMI/02.08.2018



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