

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 09.02.2018

CORAM

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

W.P.No.30172 of 2016

1. Dr.Ambedkar Services Association,
Rep. by its General Secretary E.Anbarasu,
No.361, Anna Salai, Teynampet,
Chennai - 600 018.
 2. Maheswari Arulmani
 - 3.A.Irudayanathan
 4. P.N.Kalyani
- Petitioners

.. Vs ..

1. The Union of India,
Rep. by the Department of Personnel and Training,
Ministry of Personnel Public Grievances & Pension,
New Delhi.
 2. The Comptroller and Auditor General of India,
No.10, Bahadur Shah Jafar Marg, New Delhi.
 3. The Principal Accountant General (A&E),
No.261, Anna Salai, Teynampet,
Chennai - 600 018.
 4. The Registrar,
Central Administrative Tribunal,
Chennai - 104.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the fourth respondent's order made in O.A.No.692 of 2013, dated 28.09.2015 and to quash the same.

For Petitioners: Mr.L.Chandrakumar
For R-1 : Mrs.S.Meenakumari,
CGSC
For RR-2 & 3 : Mr.T.Ravikkumar
For R-4 : Tribunal

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ORDER

(Order of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. This writ petition is filed seeking to quash the order dated 28.09.2015 passed by the fourth respondent/Central Administrative Tribunal, in O.A.No.692 of 2013.

3. The case of the petitioners is that the first petitioner is an Association and petitioners 2 to 4 are the members of the said Association. The petitioners 2 to 4 are working as Senior Accountants in the office of the third respondent/Principal Accountant General (A&E) and certain posts in the category of Assistant Accounts Officer came to be created on ad-hoc basis. It is the further case of the petitioners that the principle of reservation is not followed in filling up ad-hoc promotion posts in the cadre of Assistant Accounts Officer. Hence, the writ petitioners herein have filed Original Application in O.A.No.692 of 2013 before the Central Administrative Tribunal, Madras Bench, seeking a direction to the respondents to adhere to the rule of reservation in promotion posts including ad-hoc promotion posts in favour of SC & STs. The Central Administrative Tribunal, Madras Bench, after hearing both the parties, dismissed the said O.A. and the operative portion of the order passed by the Central Administrative Tribunal reads as under:-

"Since all the candidates under reserved category in the wait list have been accommodated in the ad-hoc promotion posts, the relief sought for by the applicants has become redundant."

As against the said order of dismissal passed by the Central Administrative Tribunal, this writ petition is preferred by the petitioners.

4. Learned counsel appearing for the petitioners has submitted that though nomenclature is ad-hoc but in the process of preparing the list, there occurred certain irregularity that needs re-consideration.

5. In view of the above submission made by the learned counsel appearing for the petitioners, we are of the view that whatever the grievance addressed by the petitioners/applicants, they can make a representation to the respondents/authorities as to the position to be fixed according to their entitlement. On such representation being made, after calling for the objections from the persons likely to be affected, proper list be prepared for the ad-hoc promotion so that if there is any irregularity occurred either by oversight or by mistake, the same can be set right after hearing both the parties and orders be passed in accordance with law within a period of three months from the date of receipt of such representation.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

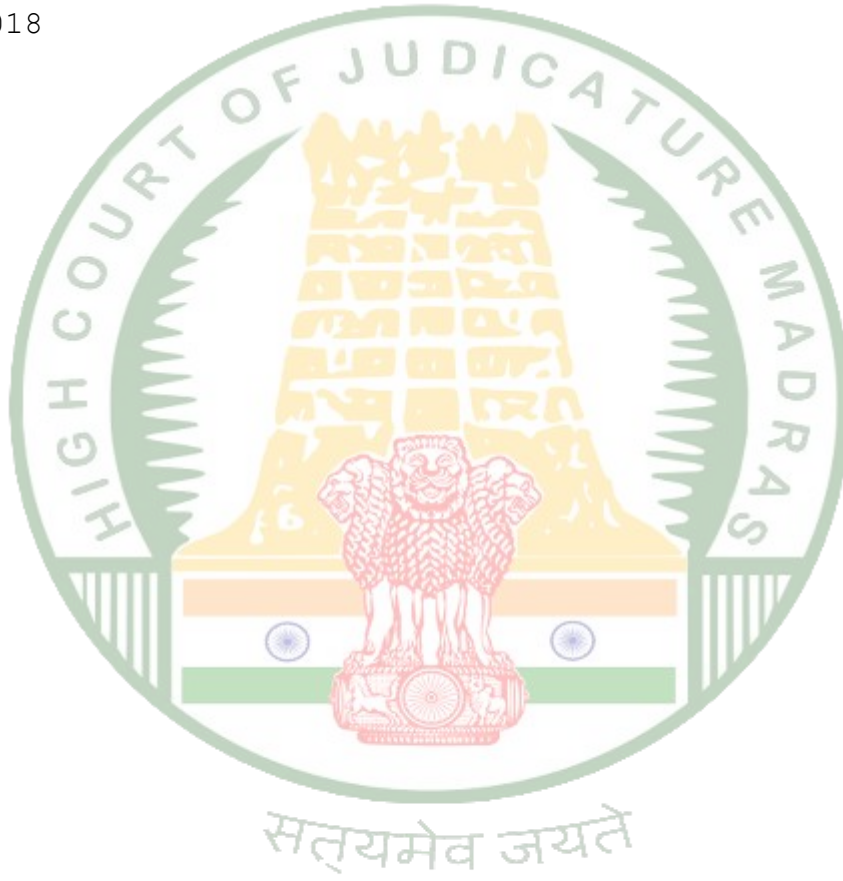
Jr1
To

1. The Department of Personnel and Training,
The Union of India,
Ministry of Personnel Public Grievances & Pension,
New Delhi.
2. The Comptroller and Auditor General of India,
No.10, Bahadur Shah Jafar Marg, New Delhi.
3. The Principal Accountant General (A&E),
No.261, Anna Salai, Teynampet,
Chennai - 600 018.
4. The Registrar,
Central Administrative Tribunal,
Chennai - 104.

+1 cc to Mr.T.Ravikumar Advocate sr 10143
+1 cc to Mr.L.Chandrakumar Advocate sr 10404
+1 cc to M/s.S.Meenakumari Advocate sr 10444

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