

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.P.No.7999 of 2017
and
W.M.P.No.8745 of 2017

- 1.Union of India rep. by
General Manager,
Southern Railway, Chennai - 3.
- 2.The Financial Adviser and
Chief Accounts Officer,
Southern Railway, Chennai - 3. .. Petitioners

Vs

- 1.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai - 104.
- 2.V.Rajendran
- 3.The Chairman,
State Level Scrutiny Committee,
Chennai - 9. ... Respondents

(R3 suo motu impleaded as per order
dated 05.04.2017 in W.M.P.No.8745 of 2017
in W.P.No.7999 of 2017)

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the entire records of the first respondent in O.A.No.310/01366/2014 including the order dated 30.09.2016 and quash the same.

For Petitioners.. Ms.T.P.Savitha
For Respondents.. Mr.G.Palani for R2
Mr.R.Venkatesh,
Govt. Advocate for R3
R1 - Tribunal

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed by the petitioners, challenging the order passed by the Tribunal, by which, a direction was issued to the petitioners to promote the second respondent to the post of Senior Personnel Officer without prejudice to the right to proceed further, based upon the decision of the State Level Scrutiny committee.

2.This Court, by the earlier order, while suo motu impleading the State Level Scrutiny Committee, the authority to verify the community certificate, directed the learned Government Advocate to get instructions in this regard. Learned Government Advocate, on instructions, submits that the issue is still pending consideration with the State Level Scrutiny Committee.

3.Until and unless a contra decision is made by the State Level Scrutiny Committee holding that the community certificate issued already is not genuine, the same is presumed to be correct. Therefore, we do not find any error in the order passed by the Tribunal that the second respondent is entitled to be promoted subject to the decision of the State Level Scrutiny Committee. The order passed is a qualified one.

4.We do not find any error in the decision rendered by the Tribunal and accordingly, the writ petition is dismissed. However, while dismissing the writ petition, we deem it appropriate to direct the third respondent herein viz., State Level Scrutiny Committee to conclude the proceedings within a period of three months from the date of receipt of a copy of the order and communicate the same to both the petitioners as well as the second respondent. Based upon the same, the petitioners are at liberty to proceed further. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

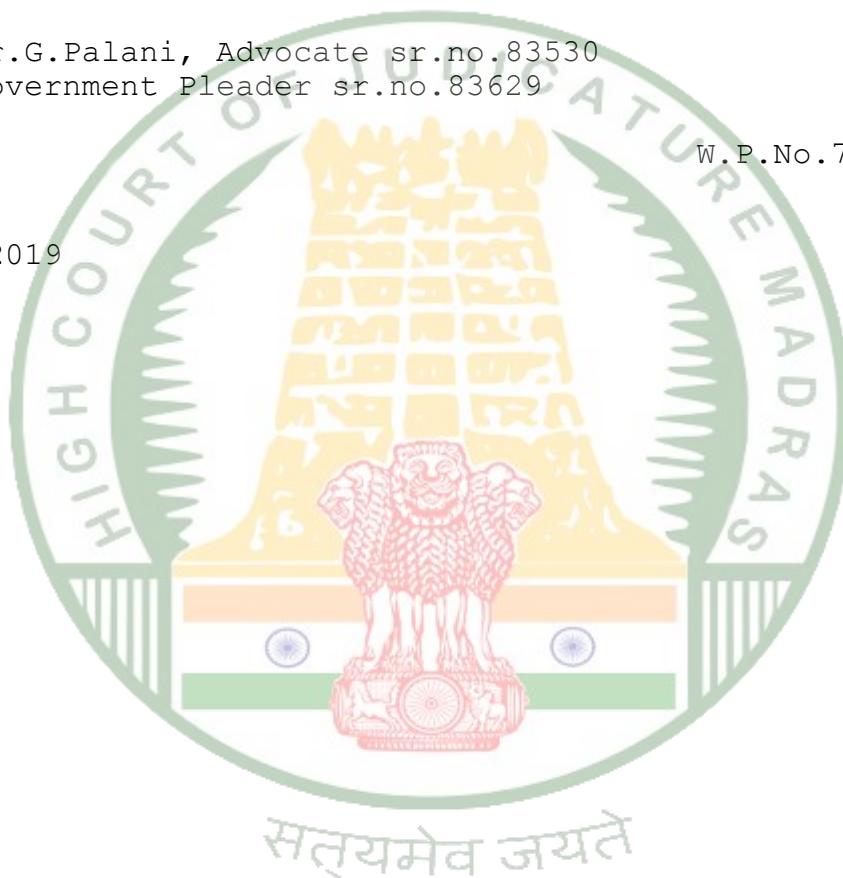
1.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai - 104.

2.The Chairman,
State Level Scrutiny Committee,
Chennai - 9.

+lcc to Mr.G.Palani, Advocate sr.no.83530
+lcc to Government Pleader sr.no.83629

W.P.No.7999 of 2017

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nr 03/01/2019



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