

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.2633 of 2004

P.Selvakumar

... Petitioner

Vs.

1.The Secretary

Ministry of Shipping
Government of India, New Delhi.

2.The Deputy Chief Engineer

Andaman Harbour Works
Government of India, Ministry of Shipping
Cambell Bay, Andaman Nicobar Islands. ...Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in No.DCE-III/CE/ESTT-1 dated 20.10.2003 and quash the same and direct the respondents to confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan for Mr.S.Mani

For Respondents : Mr.J.Madhanagopal Rao
Central Government Standing Counsel

O R D E R

The Petitioner was appointed as Watchman in the services of the Second Respondent at Andaman Harbour Works against a vacancy reserved for Other Backward Classes (OBC) by Order No.DCE/CB/Estt-I, Campbell Bay, dated 21.05.2001. The Second Respondent by Order No.DCE III/CE/Estt-1, Campbell Bay, dated 20.10.2003 held that after having established that the caste claimed by him as OBC is found false, his services has been terminated with immediate effect.

2.When the Writ Petition was taken up for hearing before this Court, the learned Counsel for the Petitioner was required to explain as to how the Petitioner could challenge the order of the Second Respondent before this Court as neither 'the seat of authority' of the Respondents nor any part of 'the cause of action' has arisen within the territorial limits of jurisdiction

of this Court, having regard to the mandate of clauses (1) and (2) of Article 226 of the Constitution and the binding judicial decision governing that aspect.

3.In response thereto, the learned Counsel for the Petitioner has sought the permission of this Court to withdraw the Writ Petition with liberty to pursue appropriate remedy before the Court of Competent Jurisdiction and he has made an endorsement to that effect.

4.Recording the same, the Writ Petition is dismissed as withdrawn with such liberty as sought. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary
Ministry of Shipping
Government of India, New Delhi.
- 2.The Deputy Chief Engineer
Andaman Harbour Works
Government of India, Ministry of Shipping
Cambell Bay, Andaman Nicobar Islands.

Copy to:

The Section Officer,
ER Section,
High Court, Madras.

+1cc to Mr.J.Madana Gopal Rao, Advocate, S.R.No.50731
+1cc to Mr.P.Ganesan for M/s.C.S.Associate S.R.No.50921

SPD(CO)
SMI/07.08.2018

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