

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17-12-2018

Coram

The Hon'ble Mr.Justice M.M.Sundresh
and
The Hon'ble Justice Krishnan Ramasamy

Writ Petition No.33294 of 2018

V. Saravanan

...Petitioner

Vs.

1. The Union of India, rep. by its
Chief Engineer, Headquarters,
Military Engineering Service,
Chennai Zone, Island Grounds,
Chennai - 600 009.
2. The Garrison Engineer,
St. Thomas Mount,
Pallavaram, Chennai - 600 043.
3. The Registrar,
Central Administrative Tribunal
Chennai Bench, High Court Campus,
Chennai - 600 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records relating to an order, dated 14.06.2018 passed by the third respondent Tribunal in M.A.Nos.288, 289, 290/2018 in O.A.No.1170/2013 and to quash the same and to restore OA No.1170 of 2013 for hearing by the third respondent Tribunal.

For Petitioners : Mr.Giridhar and Sai

For Respondents 1 &2 : Mr.K.Gunasekar
Senior Panel Counsel for
Central Government

For Respondent-3 : Tribunal

O R D E R

(Order of the Court was delivered by M.M.Sundresh, J.)

The petitioner filed applications in M.A.Nos.288, 289 and 290 of 2018 in pursuant to the dismissal of the Original Application, being O.A.No.1170/2013, by order dated 04.01.2018, on the basis of non appearance of the applicant/petitioner. The said Miscellaneous Applications were also dismissed by the Tribunal by order dated 14.06.2018 (impugned herein) holding that, inasmuch as, the petitioner failed to appear either in person or represented through any other counsel, the request made cannot be considered.

2. The learned counsel appearing for the petitioner submits that there was a communication gap between the erstwhile counsel and the petitioner, subsequently, there was a change of vakalath given. However, these facts have not been taken into consideration by the Tribunal while dismissing the Applications.

3. The learned Senior Panel Counsel for the respondent submits that, inasmuch as, the Tribunal has granted sufficient opportunities before dismissing the applications, no interference is required.

4. Admittedly, while dismissing the applications, which is under challenge, no reasons have been assigned on merits by the Tribunal, especially, with respect to the averments made in the affidavits filed in support of the applications. After all, what the petitioner seeks is only for adjudication on merits. It is not in dispute that the Original Application No.1170 of 2013, was dismissed for default. In such view of the matter, we are inclined to grant one more opportunity to the petitioner to contest the Original Application on merit.

5. Accordingly, we set aside the impugned order, dated 14.06.2018. Consequently, M.A.Nos.288, 289 and 290 of 2018 stands allowed and the Original Application is directed to be restored on file. However, we make it clear that the petitioner shall cooperate for disposal of the Original Application, failing which, it is open to the Tribunal to pass appropriate orders.

6. In the result, this Writ Petition is allowed on the terms as indicated above. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sd

To

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+1 cc to Mr.Giridhar & Sai, Advocate, S.R.No.87612

+1 cc to Mr.K.Gunasekar, Advocate, S.R.No.87196

Writ Petition No.33294 of 2018

SPD(CO)

SSM(11/01/2019)

सत्यमेव जयते

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