

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.2328 of 2019

and

W.M.P.No.2572 of 2019

1. S.Subasree

2. S.Sowmiya

3. V.Anandhan

...Petitioners

Vs.

1. Union of India, rep. by the
Government of Puducherry,
through the Secretary to
Government (DP &AR),
Chief Secretariat,
Puducherry.

2. The Inspector General of Police,
Police Department,
Puducherry.

3. The Superintendent of Police,
Headquarters, Police Department,
Puducherry.

4. The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records of the 4th respondent in O.A.No.1627 of 2018 dated 10.12.2018 and to quash the same and consequently to direct the respondents 1 to 3 to permit the petitioners to participate in the selection process in the M.B.C., O.B.C., General and Sports category and to give

appointment to the petitioners to the post of Police Constable.

For Petitioners : Mr.V.Ajaykumar
For Respondents : Mr.Syed Mustafa,
Government Advocate (Pondicherry)

q O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The petitioners filed Original Application before the Madras Bench of Central Administrative Tribunal in O.A.No.310/2018 seeking for a direction to the respondents herein to extend them the benefit of age relaxation meant for the Meritorious Sports Persons as provided in the relevant rules, and to consider their case against the Meritorious Sports Persons Quota as well as General/ OBC category in accordance with the notification No.2841/A1/Estt.I(B)/POL/2018 dated 20.08.2018 and to appoint them in the post of Police Constable.

2. The Central Administrative Tribunal was pleased to pass an order dated 10.12.2018 directing the respondents to consider the representations submitted by the petitioners and pass orders on merits. Feeling aggrieved by the said order, the petitioners have come with a contention that during the admission stage itself, the Original Application was disposed of without there being any formal request for a direction for consideration, on their behalf.

3. The petitioners have taken up a specific contention in the grounds appended to the writ petition to the effect that the Original Application was disposed of during the time of admission without there being any specific request for a direction to the respondents to consider the representations. According to the petitioners, the Tribunal has to decide the merits of the claim made by them as otherwise, they would not be given the benefit of age relaxation. The petitioners therefore, seek an order directing the Tribunal to consider the matter on merits.

4. We have heard the learned counsel for the petitioners and the learned Special Government Pleader appearing on behalf of the respondents.

5. The question as to whether the petitioners are entitled to the benefit of age relaxation meant for the Meritorious Sports Persons in accordance with the notification dated 20 August 2018 is a contentious issue

before the Tribunal. There is no point in directing the authorities to consider the representations without there being a factual adjudication of the right claimed by the petitioners. It is more so, on account of the fact that by the time the matter is considered by the respondents, the very selection would be over. We are of the view that the Tribunal ought to have considered the matter on merits.

6. The order dated 10 December 2018 is set aside. We direct the respondents to file counter affidavit on or before 12 July 2019. The Tribunal is requested to dispose of the Original Application as expeditiously as possible, and in any event, on or before 20 September 2019.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Secretary to
Government (DP &AR),
Government of Puducherry,
Chief Secretariat,
Puducherry.
2. The Inspector General of Police,
Police Department,
Puducherry.
3. The Superintendent of Police,
Headquarters, Police Department,
Puducherry.
4. The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

W.P.No.2328 of 2019

A.SK(18/06/2019)