

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Ms.JUSTICE P.T.ASHA
W.P.No.3330 of 2019

D.Dhanasekaran ..Petitioner

Vs

- 1.The Union of India represented by
The Chief Workshop Manager,
Carriage & Wagon Works,
Perambur, Chennai - 600023.
- 2.The Deputy Chief Mechanical Engineer(C) /
Appellate Authority,
Carriage & Wagon Workshop,
Perambur, Chennai - 600023.
- 3.The Workshop Manager(C),
Carriage & Wagon Works,
Perambur, Chennai - 600023.
- 4.The Central Administrative Tribunal,
Madras Bench represented by its Registrar,
Chennai - 600 104. ..Respondents

This Petition filed Under Article 226 of the Constitution of India pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the Fourth Respondent in MA.No.558 of 2017, 559 of 2017 in OA/310/663/2013 and dated 11.06.2018 and quash the same and allow the said Miscellaneous Application Nos.558 of 2017 & 559 of 2017 and restore the OA/310/663/2013 to the file of the fourth respondent and further direct the forth respondent to decide the OA/310/663/2013 afresh on merits and in accordance with law.

For Petitioner : Mr.P.Rajendran

For R1 to R3 : Mr.P.T.Ram Kumar

O R D E R

(Order of the Court was made by P.T.ASHA, J.)

The above writ petition is filed challenging the common order passed in M.A.Nos.558, 559 of 2017 in O.A.No.663 of 2013 by the Madras Bench of the Central Administrative Tribunal.

2 The facts in brief to dispose of the above writ petition are as follows:

The petitioner herein had invoked the jurisdiction of the Central Administrative Tribunal in O.A.No.663 of 2013, challenging his removal from service. It appears that the learned counsel, whom the petitioner had engaged to represent him, before the Central Administrative Tribunal, had been appointed as Public Prosecutor and he had therefore returned the bundle to the petitioner. Since, the petitioner's case was not represented when the matter was called on 29.08.2016, the Bench was pleased to dismiss the O.A.No.663 of 2013 for non-prosecution.

3 Thereafter, the petitioner had moved M.A.No.559 of 2017 to set aside the order of dismissal for non-prosecution dated 29.08.2016 passed in O.A.No.663 of 2013 and to restore the petition and thereafter M.A.No.558 of 2013 to condone the delay of 254 days in representing the papers in M.A.SR.No. of 2016. The Tribunal dismissed the applications on the ground that convincing reasons have not been given and it is this order that has been taken up on challenge to this Court.

4 The Tribunal has totally overlooked the fact that the petitioner had given convincing and valid reasons for his non appearance. The counsel who represented him, had become a Public Prosecutor and he was therefore unable to appear and contest the case on behalf of the petitioner. The Tribunal below ought to have accepted the explanation and allowed the petition instead of dismissing the same.

5 We are convinced by the reasons that have been stated in the affidavit filed in support of the petition to restore the petition. Consequently, the order dated 11.06.2018 in M.A.Nos.558 & 559 of 2017 in O.A.No.663 of 2013 is set aside and O.A.No.663 of 2013 is restored to file. As O.A.No.663 of 2013 has been filed in the year 2013 itself, the Tribunal is directed to hear and dispose of the same as expeditiously as possible.

6 In the result, the Writ Petition stands allowed with the above direction. No costs.

Sd/-

Assistant Registrar(imp cell)

//True Copy//

Sub Assistant Registrar

dua

<https://hcservices.ecourts.gov.in/hcservices/>

To

1.The Chief Workshop Manager,
The Union of India,
Carriage & Wagon Works,
Perambur, Chennai - 600023.

2.The Deputy Chief Mechanical Engineer(C)/
Appellate Authority,
Carriage & Wagon Workshop,
Perambur, Chennai - 600023.

3.The Workshop Manager(C),
Carriage & Wagon Works,
Perambur, Chennai - 600023.

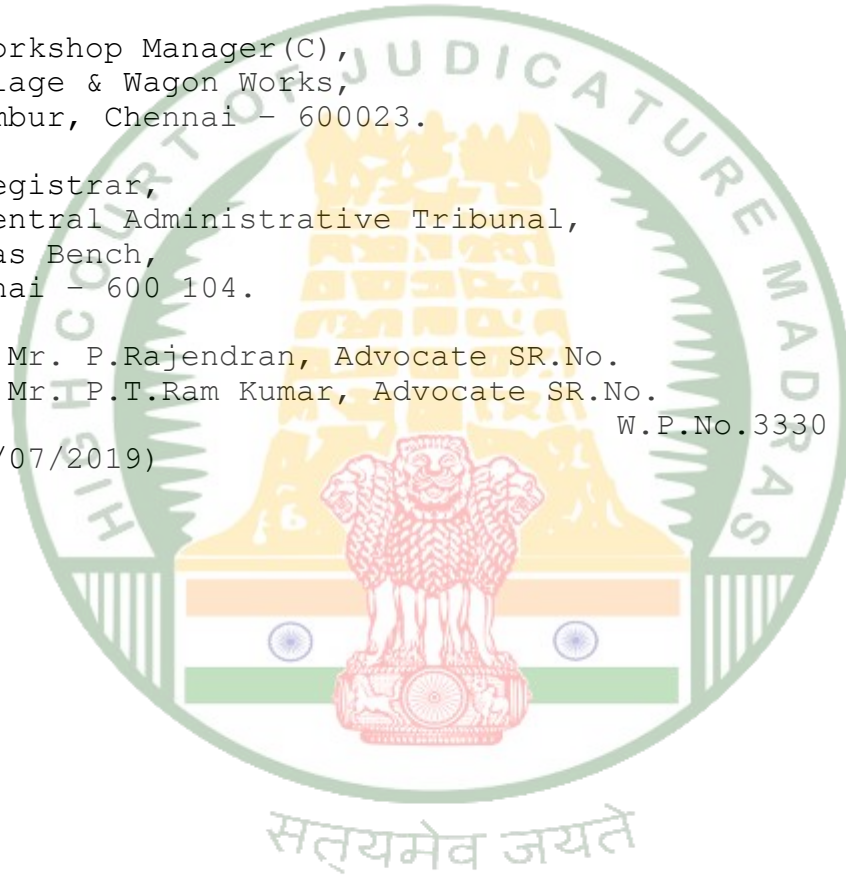
4.The Registrar,
The Central Administrative Tribunal,
Madras Bench,
Chennai - 600 104.

+1cc to Mr. P.Rajendran, Advocate SR.No.

+1cc to Mr. P.T.Ram Kumar, Advocate SR.No.

W.P.No.3330 of 2019

A.SK(04/07/2019)



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