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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

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

W.P.Nos.16179 to 16181 of 2018
and
W.M.P.Nos.19265, 19266 & 19277 of 2018

V.R.Pradapkumar
Protocal Inspector with lien in MAS Dn.,
Mech.Branch
Office of the Chief Administrative Officer(Construction),
Southern railway, E.V.R.Salai,
Egmore, Chennai - 600 008.
..Petitioner in W.P.No.16179/2018

C.Kalappan
(Rtd. Works Mistry, under CAO/O/CN/MS)
No.3/46-A, Anna Street,
Annai Indira Nagar,
Shanmugapuram,
Chennai - 600 099
..Petitioner in W.P.No.16180/2018

T.T.Soundararajan,
(Rtd. Sr.Telephone Operator, under CAO/O/CN/MS)
Plot No.7, G-II, DTC Colony,
Nanganallur,
Chennai - 600 061
..Petitioner in W.P.No.16181/2018

Vs.

1. Union of India,
rep. by the General Manager,
Southern Railway Park Town,
Chennai - 600 003.
2. The Chief Personnel Officer,
Southern Railway,
Park Town,
chennai - 600 008.
3. The Chief Administrative Officer,
(Construction),
Southern Railway,



EVR Salai, Egmore,
Chennai - 600 008.

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4. The Central Administrative Tribunal,
represented by the Registrar,
The Central Administrative Tribunal,
Chennai - 600 104.

... Respondents in all the W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 4th respondent/Central Administrative Tribunal relating to the orders made in O.A.No.685/2013 dated 16.12.2016, O.A.No.1806/2013 dated 16.12.2016 and M.A.No.547/2013 and O.A.No.310/01732/2013 dated 01.02.2017 respectively confirming the order of the 3rd respondent dated 05.05.20109 in Office Order No.87/2009 and to quash the same and to direct the respondents to restore the position of the petitioners before the proceedings dated 05.05.2009 by regularizing their service with all monetary and service benefits.

For Petitioners : Mr.Akhil Akbar Ali

For Respondents : Mr.P.T.Ramkumar
for R1 to R3
R4-Tribunal

C O M M O N O R D E R

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

The original applications filed by the petitioners herein challenging the order dated 05.05.2009 cancelling the multiple adhoc promotion given to them were dismissed by the Central Administrative Tribunal following the earlier order dated 26.06.2015 in O.A.No.1213/2012. The orders passed by the Tribunal are under challenge at the instance of the applicants in the Original Applications.

2. We have heard the learned counsel for the petitioners. We have also heard the learned Standing Counsel for the Railways.

3. The challenge before the Central Administrative Tribunal, Madras Bench, was to the order passed by the Chief Administrative Officer (Construction), Southern Railway, cancelling the adhoc promotions given to the petitioners on the ground that such multiple adhoc promotions were not permissible under the Regulations. The Tribunal appears to have followed its earlier order dated 26.06.2015 in O.A.No.1213/2012 for non-suiting the petitioners. There was no independent consideration made by the Tribunal with regard to the contention taken by the



petitioners.

4. It is a matter of record that the order dated 26.06.2015 in O.A.No.1213/2013 was challenged before this Court in W.P.No.34931/2015. The writ petition filed by the applicant in O.A.No.1213/2012 was allowed by this Court by order dated 04.01.2017. The orders impugned herein were passed by the Tribunal well before the disposal of the writ petition, challenging the order in O.A.No.1213/2012.

5. Since there was an earlier order in O.A.No.1213/2012, there was no factual adjudication made by the Tribunal in the Original Applications filed by the petitioners. In view of the change of situation, meaning thereby, on account of the order passed by the High Court in W.P.No.34931/2015, we are of the view that the matter requires fresh consideration by the Central Administrative Tribunal.

6. The order dated 16.12.2016 in O.A.No.685 and 1806/2013 and the order dated 01.02.2017 in M.A.No.547/2013 & O.A.No.310/01732/2013 are set aside. The Original Applications are remitted to the Madras Bench of the Central Administrative Tribunal for fresh consideration.

7. It is open to the parties to produce materials before the Tribunal to substantiate their respective contentions. The Tribunal shall consider the entire materials and pass orders on merits. Since the reply statements have already been filed on behalf of the respondents, we request the Tribunal to dispose of the Original Applications as expeditiously as possible and preferably within a period of three months from the date of receipt of a copy of this order.

8. The writ petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi
To

1. The General Manager,
Union of India, Southern Railway Park Town,
Chennai - 600 003.
2. The Chief Personnel Officer,
Southern Railway,
Park Town, Chennai - 600 008.



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3. The Chief Administrative Officer,
(Construction),
Southern Railway,
EVR Salai, Egmore,
Chennai - 600 008.

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

+1cc to Mr.P.T.Ramkumar , Advocate SR.No. 60040

+1cc to Mr.Akhil Akbar Ali Associates , Advocate SR.No.
60447

W.P.Nos.16179 to 16181 of 2018

A.SK(07/08/2019)