

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

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

Writ Petition No.22920 of 2019
and W.M.P.Nos.22556 and 22558 of 2019

1. Katta Ramesh
 2. Meda Simhadri
 3. Chitturi Srinivas
 4. Kollimalli Seetaram
- Petitioners

Vs

1. Union of India
rep. by its Secretary (Power)
Government of Puducherry,
Chief Secretariat,
Puducherry - 1.
 2. The Under Secretary to Government (Power)
Government of Puducherry,
Chief Secretariat,
Puducherry - 1.
 3. The Superintending Engineer - I
Cum Head of the Department,
Electricity Department,
Government of Puducherry,
Puducherry.
 4. The Central Administrative Tribunal
rep. by its Registrar,
Madras High Court Campus,
Chennai.
- Respondents

PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 29.04.2019 passed by the 4th respondent in O.A.No.545 of 2019, quash the same as illegal and consequently direct the respondents to consider the applicants for promotion to the post of Tester, pursuant to issuance of the order No.2-

1/ED/Estt/A3/2016 dated 25.02.2019 issued by the 3rd respondent with all the attendant benefits.

For Appellants : Ms.Anna Mathew
for M/s.S.Meenakshi

For Respondents: Mr.R.Syed Mustafa, Spl.G.P.(P) - R1 to R3

J U D G M E N T

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

The petitioner challenged the note appended to the notification dated 25.02.2019 issued by the second respondent herein before the Chennai Bench of the Central Administrative Tribunal. The Tribunal without adjudicating the issue on merits directed the respondents to consider and dispose of the representation dated 04.03.2019 in accordance with law. The said order is under challenge at the instance of the unsuccessful applicants.

2. We have heard the learned counsel for the petitioners. We have also heard the learned Special Government Pleader on behalf of respondent Nos.1 to 3.

3. The notification in question was issued by the second respondent. There is a note appended to the notification dated 25.02.2019 to the effect that those who obtained diplomas through Distance Education would not be permitted to take part, meaning thereby, those who have obtained degree or diploma through Distance Education would not be permitted to take part in the selection process. It was the said note which was challenged before the Tribunal.

4. The Tribunal is constituted to adjudicate the Original applications filed by the applicants. It would not be correct on the part of the Tribunal to relegate the matter to the authorities to take a decision in the matter. When a core question is raised with regard to the note appended to the notification, there should be an adjudication on merits by the Tribunal rather than sending the parties to the Department concerned once again. Since the very selection itself would be over within a reasonable period, there is no point in directing the second respondent to consider and dispose of the representation within a period of three months. We are therefore of the view that the Tribunal was not justified in the disposal of the Original Application with a direction to consider and dispose of the representation.

5. We set aside the order dated 29.04.2019 in O.A.No.545 of 2019. The Original Application in O.A.No.545 of 2019 is

restored to the file of the Chennai Bench of the Central Administrative Tribunal. The Tribunal is requested to dispose of the Original Application as expeditiously as possible.

6. The learned counsel for the petitioners submitted that in case the adjudication of the issue would take time, the petitioners should be permitted to move the Tribunal for an interim order.

7. It is open to the petitioners to move the Tribunal for appropriate interim orders and the application would be decided on its own merits.

8. The Writ Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-V)

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To

Sub Assistant Registrar

1. The Secreary (Power),
Union of India
Government of Puducherry,
Chief Secretariat,
Puducherry - 1.
2. The Under Secretary to Government (Power)
Government of Puducherry,
Chief Secretariat, Puducherry - 1.
3. The Superintending Engineer - I
Cum Head of the Department,
Electricity Department,
Government of Puducherry,
Puducherry.
4. The Registrar,
The Central Administrative Tribunal
Madras High Court Campus, Chennai.

+1 cc to M/s.S.Meenakshi, Advocate, S.R.No.67187
+1 cc to the Government Pleader, S.R.No.67706

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CP(CO)
SSM(16/09/2019).