

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.28378 of 2019

- 1.The Union of India,
Rep. by General Manager,
Southern Railway, Park Town,
Chennai - 600 003.
- 2.The Principal Chief Personnel Officer,
Southern Railway, Park Town,
Chennai - 600 003.
- 3.The Divisional Personnel Officer,
Southern Railway,
Madurai Division,
Madurai - 625 010. Petitioner
- Vs
- 1.A.Kalyanasundaram
- 2.M.MariVijayakumar
- 3.A.Venis Jenova
- 4.R.Pusphalatha
- 5.G.Palani
- 6.S.Kanagarajan
- 7.P.Senthilkumar
- 8.The Registrar,
Central Administrative Tribunal,
Madras Bench. Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of certiorari to call for the records of the respondent/Tribunal in O.A.No.310/573/2018 dated 06.03.2019, and quash the same.

For Petitioners : Mr.M.Vijay Anand

For Respondents : Mr.L.Chandrakumar for R1 - R7

ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

Seeking to issue a writ of certiorari to call for the records of the respondent/Tribunal in O.A.No.310/573/2018 dated 06.03.2019 and to quash the same, the present writ petition has been filed.

2. Respondents 1 to 7 filed application before the Tribunal in O.A.No.573 of 2018. They along with the others participated in the selection process under the 20% LDCE Quota to the post of Junior Engineer/Permanent Way. Respondents 1 to 7 were accordingly declared passed. Thereafter, the selection process was cancelled by the second petitioner vide letter No.U/P608/WP/JE/P.Way/LDCE/Vol.I dated 09.04.2018 on the ground that the some of the eligible persons were not permitted to participate in the selection process. This was put to challenge by respondents 1 to 7 before the Tribunal in O.A.No.573 of 2018. The Tribunal, on contest, allowed the application and, hence the present writ petition.

3. When the matter was taken up for hearing on the earlier occasion, we directed the learned counsel appearing for the petitioners to get instruction so that a fresh examination may be conducted for the eligible candidates, as we find that the private respondents were admittedly selected on merit and cancellation was not due to their fault, making them to undergo the process once again despite being selected would certainly be prejudicial to them.

4. On instructions, the learned counsel appearing for the petitioners would fairly submit that without disturbing the selections made, a fresh examination would be conducted by the petitioners calling those candidates who are not called for by oversight or inadvertence. We make it clear that after the subsequent selection process as submitted by the learned counsel appearing for the petitioners is over, the marks shall be compared and based upon the same, the promotion would be made. Thus, the actual appointment will have to be made based upon the marks obtained by candidates who already went through the selection process and the other candidates who are likely to get cleared and be eligible for promotion. The entire selection

process will have to be completed within a period of three weeks from the date of receipt of a copy of this order.

5. Writ Petition stands disposed of accordingly. No costs. Consequently, connected W.M.P.No.28062 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssm

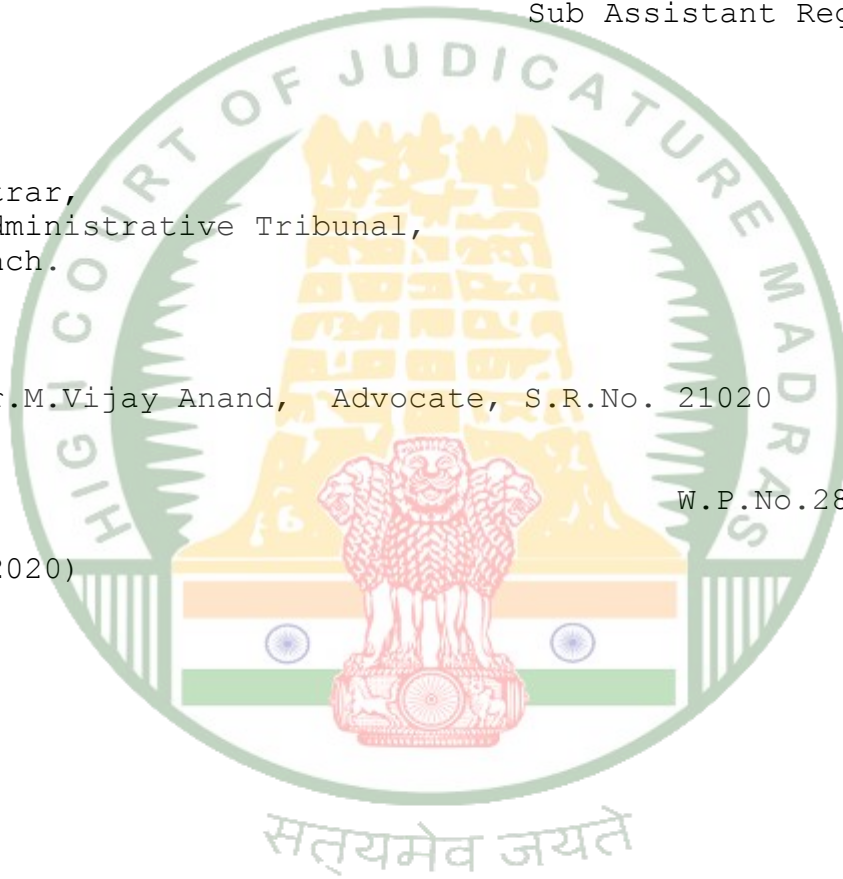
To

The Registrar,
Central Administrative Tribunal,
Madras Bench.

+1cc to Mr.M.Vijay Anand, Advocate, S.R.No. 21020

W.P.No.28378 of 2019

KS(CO)
GN(17/03/2020)



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