

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.5213 of 2020 and
W.M.P. Nos.6156 & 6158 of 2020

M.Kalidoss

...Petitioner

Vs.

1.The Union of India
Represented by its General Manager
Southern Railway
Chennai - 600 003

2.The Senior Deputy General Manager
Southern Railway
Chennai - 600 003

3.The Senior Law Officer
Southern Railway
Chennai - 600 003

4.A.Lakshmikanthan
Advocate
Middle Street, Alakudi Post
Thanjavur

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents 1 to 3 herein from appointing Panel Advocates for Southern Railway to the courts in Thanjavur District without following the transparent process of selection by inviting applications for such appointment.

For Petitioner : Mr.S.V.Karthikeyan
For Respondents : Mr.P.T.Ramkumar, for R1 to R3

O R D E R

This writ petition is for a Mandamus to forbear the respondents 1 to 3 herein from appointing Panel Advocates for Southern Railway to the courts in Thanjavur District without following the transparent process of selection by inviting applications for such appointment.

2. The case of the petitioner is that he is a practising Advocate in Thanjavur. He, with an eager to handle cases of Railway department, had approached the Railway officials at Trichy, where he was informed that applications will be called for by the Railways for appointment of panel advocates to appear on behalf of Railways.

3. It is the further case of the petitioner that on 5.11.2019, the fourth respondent herein filed his Memo of Appearance in a case to represent Southern Railway stating that he was newly empanelled. Immediately, the petitioner has approached the respondents 2 and 3 in person to know about the empanelment of Railway counsel, but he was informed that there was no proposal for appointing Panel Advocates for courts in Thanjavur. Since the 4th respondent was appointed and he had filed his Memo of Appearance on behalf of Southern Railway, the petitioner has made an application under the Right to Information Act to the 1st respondent herein making a query about the procedure for appointment and also sought a copy of the appointment order issued to the fourth respondent. As there was no reply and in spite of drawing the attention of the first respondent, the procedure for empanelling Advocates for Southern Railway, is not made transparent, the petitioner has filed this writ petition.

4. Heard both sides and perused the materials available on record.

5. Learned counsel appearing for the respondents 1 to 3 submitted that the third respondent has already appointed the fourth respondent as panel Advocate. If the grievance of the petitioner is that the Southern Railway has not followed the procedure in a transparent manner in the process of selection by inviting application from all, they are advised to follow the procedure hereafter permitting the prospective applicants, like petitioner, to make an application and considered for the empanellment.

5. In view of the above, the writ petition is dismissed. However there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

To

1.The General Manager
Union of India
Southern Railway
Chennai - 600 003

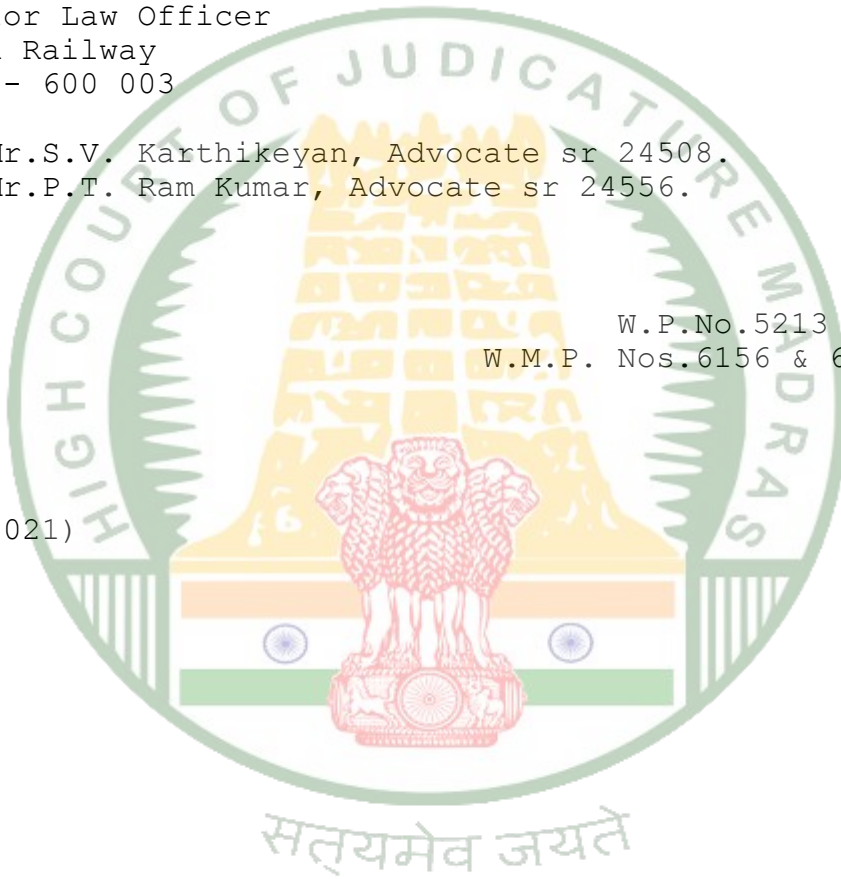
2.The Senior Deputy General Manager
Southern Railway
Chennai - 600 003

3.The Senior Law Officer
Southern Railway
Chennai - 600 003

+1 CC to Mr.S.V. Karthikeyan, Advocate sr 24508.
+1 CC to Mr.P.T. Ram Kumar, Advocate sr 24556.

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VBM(CO)
SP(06/07/2021)



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