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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.16121 OF 2021

- 1.G.Senthilkumar
- 2.R.Chandrasekar
- 3.V.Prabakaran
- 4.K.Lakshmi Narasimhan
- 5.N.Sugumar
- 6.Jeyalakshmi Sankaran
- 7.P.Ashok Kumar
- 8.T.S.Ganesh Babu
- 9.J.Pushpalatha
- 10.N.Venkataraman
- 11.Rajalakshmi Ranganathan
- 12.T.Kalaiselvi
- 13.Maragathavalli Haragopal
- 14.S.Asokan III
- 15.P.D.Moses
- 16.S.Mallika Devi
- 17.M.Ramesh Babu
- 18.N.Sivasakthi
- 19.Lakshmi Srikanth
- 20.R.Christinal Hepsi Bell
- 21.Shalini Nair
- 22.S.Narayanan-I
- 23.V.Anbumani Johnson
- 24.M.Kamakshi Sundari
- 25.Chitra Viswanathan
- 26.G.Parthasarathy
- 27.K.S.Venkateswaran
- 28.G.Ashok Kumar
- 29.J.Thamilselvan



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30. Marie Lenus Vincent
31. N. S. Rajesh
32. T. Muthu-II
33. S. R. Anith Siva
34. S. Anguraj
35. G. Rajakumar
36. P. Geetha
37. R. Anbalagan
38. M. Mohamed Rabeek
39. P. S. Saravanan
40. P. E. Ramesh Babu
41. M. Kalaikannan
42. S. Mangalambigai
43. A. Sudha
44. V. Vijay
45. G. Sivakumar
46. Punitha Sugumar
47. B. Meenakshi Bala
48. A. Balaji
49. L. Sriramanarayanan
50. T. Arulmani
51. N. Ramkumar

...Petitioners

Vs.

1. Union of India,
Rep. by Secretary to Government,
Ministry of Personnel, Public Grievances & Pension,
Department of Personnel & Training,
North Block, New Delhi.
2. The Comptroller & Auditor General of India,
Deen Dayal Upadhyay Marg,
New Delhi.
3. The Principal Accountant General (Audit-I),
361, Anna Salai, Lekha Pariksha Bhavan,
Teynampet, Chennai - 600 018.
Tamil Nadu.
4. The Registrar,
Central Administrative Tribunal,
Chennai.

...Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed in M.A.No.710 and 711 of 2019 dated 09.12.2019 on the file of the 4th respondent herein and quash the same and consequently, direct the 4th respondent to condone the delay of 118 days in M.A.No.710 and 711 of 2019 and restore the above said O.A.No.35 of 2015.

For petitioner : Mr.E.Manoharan

For respondents : Mr.S.N.Parthasarathy
Senior Central Govt. Standing Counsel
(for R1)

Mr.V.Vijayshankar, Standing Counsel,
(for R2 & R3)
R4- Tribunal

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

This writ petition has been filed challenging the order passed by the Central Administrative Tribunal, Madras Bench, in M.A.No.710 and 711 of 2019 in O.A.No.35 of 2015 dated 09.12.2019 and seeking a direction to the fourth respondent to condone the delay of 118 days in M.A.No.710 and 711 of 2019 and restore the above said O.A.No.35 of 2015.

2.Mr.E.Manoharan, learned counsel for the petitioners would state that the issue involved in the original application was covered by the order of this Court and the Hon'ble Apex Court, however, only due to non appearance of the counsel for the petitioners before the Central Administrative Tribunal, the original application as well as miscellaneous applications came to be dismissed, for which, the petitioners cannot be made to suffer.

3.The learned counsels appearing for the respondents would state that since the counsel appearing for the petitioners failed to make representation on the date, in which, the original application was posted for hearing, the Original Application was dismissed and hence, there is no illegality in the order impugned in this writ petition.

4.We have heard the submissions of the learned counsels appearing on either side and perused the materials available on record.



5.The orders annexed in the typed set would reveal that the issue involved in the original application came to be decided in favour of the petitioners. The petitioners are the similarly placed persons and their right and entitlement were rejected for the non-appearance of the counsel before the Central Administrative Tribunal.

6.Considering the facts and circumstances of the case, the orders passed in M.A.Nos.710 and 711 of 2019 and O.A.No.35 of 2015 by the Central Administrative Tribunal are set aside and the original application O.A.No.35 of 2015 is restored to the file of the fourth respondent. O.A.No.35 of 2015 shall be disposed of on merits and in accordance with law.

7.Accordingly, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skn

To

- 1.The Secretary to Government,
Union of India,
Ministry of Personnal, Public Grievances & Pension,
Department of Personnel & Training,
North Block, New Delhi.
- 2.The Comptroller & Auditor General of India,
Deen Dayal Upadhy Marg,
New Delhi.
- 3.The Principal Accountant General (Audit-I),
361, Anna Salai, Lekha Pariksha Bhavan,
Teynampet, Chennai - 600 018.
Tamil Nadu.
- 4.The Registrar,
Central Administrative Tribunal,
Chennai.

+1cc to Mr.E.Manoharan, Advocate SR.No.56366
+1cc to Mr.S.N.Parthasarathi, SCGSC, SR.No.56263

W.P.No.16121 of 2021

GPL (CO)
RVM(26/11/2021)