

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 18.08.2017**

**CORAM:**

**THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN**

**Rev.Appl.Nos.128 to 130 of 2017**  
**in W.P.Nos.31491, 31492 and 31550 of 2017**

**Rev.Appl.No.128 of 2017**

- 1.The Managing Director,  
Chennai Metro Rail Limited,  
Admin Building, CMRL Depot,  
Poonamallee High Road,  
Koyambedu, Chennai-600 107.
- 2.The General Manager – Human Resources,  
Chennai Metro Rail Limited,  
Admin Building, CMRL Depot,  
Poonamallee High Road,  
Koyambedu, Chennai-600 107.
- 3.The Manager-Human Resources,  
Chennai Metro Rail Limited,  
Harini Towers, No.7, Cornon Smith Road,  
Gopalapuram, Chennai-600 086. .. Review Applicants

vs.

- 1.P.Sreeram
- 2.The Chairman,  
Secretary to the Government of India,  
Ministry to Urban Development,  
Chennai Metro Rail Ltd., (CMRL),  
Fort St.George, Chennai-600 009. .. Respondents

**Rev.Appl.No.129 of 2017**

1.The Managing Director,  
Chennai Metro Rail Limited,  
Admin Building, CMRL Depot,  
Poonamallee High Road,  
Koyambedu, Chennai-600 107.

2.The General Manager – Human Resources,  
Chennai Metro Rail Limited,  
Admin Building, CMRL Depot,  
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Harini Towers, No.7, Cornon Smith Road,  
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Review Applicants

vs.

1.M.Karthikeyan

2.The Chairman,  
Secretary to the Government of India,  
Ministry to Urban Development,  
Chennai Metro Rail Ltd., (CMRL),  
Fort St.George, Chennai-600 009.

Respondents

**Rev.Appl.No.130 of 2017**

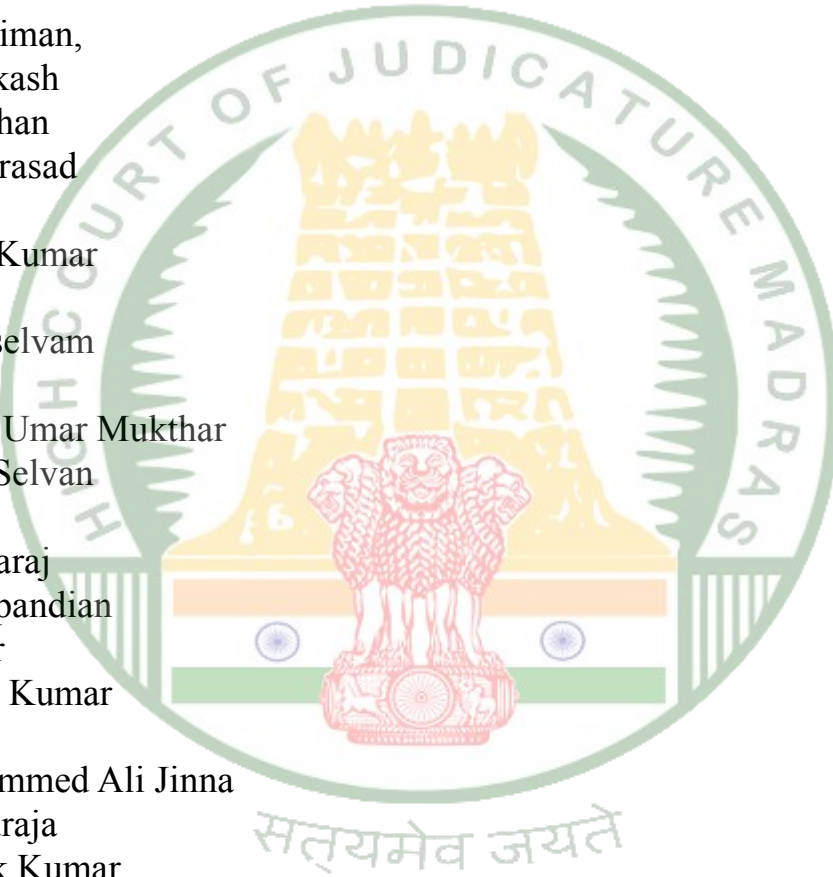
1.The General Manager – Human Resources,  
Chennai Metro Rail Limited,  
Admin Building, CMRL Depot,  
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Koyambedu, Chennai-600 107.

2.The Manager-Human Resources,  
Chennai Metro Rail Limited,  
Admin Building, CMRL Depot,  
Poonamalle High Road,  
Koyambedu, Chennai-600 107.

.. Review Applicants

vs.

1.Syed Sulaiman,  
2.K.Dasprakash  
3.R.Jeganathan  
4.R.Vijayaprasad  
5.R.Karthik  
6.P.Ranjith Kumar  
7.T.Rajesh  
8.G.Pannerselvam  
9.S.Anand  
10.Ahamed Umar Mukthar  
11.S.Tamil Selvan  
12.M.Prabu  
13.S.Kanagaraj  
14.T.Udayapandian  
15.R.Kumar  
16.B.Pravin Kumar  
17.K.Raja  
18.M.Mohammed Ali Jinna  
19.M.Alaguraja  
20.M.Ashok Kumar  
21.V.Sakthi Narayanan  
22.P.Prakash Kumar  
23.P.Srinivasan  
24.B.Vignesh  
25.K.Umashankar  
26.B.Simbu



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.. Respondents

made in W.P.No.31491 of 2016 and restore the cancellation notification dated 23.08.2016 in respect of Post Code-02 and Post Code-03 and Advertisement No.CMRL/HR/06/2016 dated 24.08.2016.

**Prayer in Rev.Appl.No.129 of 2017:** Review Application filed under Order 47 Rule 1 C.P.C. read with 114 C.P.C. to review the order dated 02.01.2017 made in W.P.No.31492 of 2016 and restore the cancellation notification dated 23.08.2016 in respect of Post Code-02 and Post Code-03 and Advertisement No.CMRL/HR/06/2016 dated 24.08.2016.

**Prayer in Rev.Appl.No.130 of 2017:** Review Application filed under Order 47 Rule 1 C.P.C. read with 114 C.P.C. to review the order dated 02.01.2017 made in W.P.No.31550 of 2016 and restore the cancellation notification dated 23.08.2016 in respect of Post Code-02 and Post Code-03 and Advertisement No.CMRL/HR/06/2016 dated 24.08.2016.

For Applicants : Mr.R.Thiagarajan, Senior Counsel  
in all Rev.Appls. for Mr.Jayesh B.Dolia

For Respondents : Mrs.K.Subashini  
for Chennai Law Associates  
in Rev.Appl.Nos.128 and 129 of 2017

Mr.Babu Muthu Meeran  
in Rev.Appl.No.130 of 2017

### **COMMON ORDER**

By consent, these Review Applications are taken up for final disposal.

2. This Court, vide common order dated 02.01.2017, had disposed of W.P.Nos.15196, 15197, 31491, 31492 and 31550 of 2016 and it is relevant to extract paragraph No.17 of the said order:

“17. This Court, taking into consideration the peculiar facts and circumstances of the case coupled with the stand of the respondents/CMRL as to the merit-wise selection of the

petitioners herein, is of the view that the following orders would meet the ends of justice:

(i) W.P.Nos.31491, 31492 and 31550 of 2016 are partly allowed and the impugned cancellation notification dated 23.08.2016 and the consequential Advertisement No.CMRL/HR/06/2016 for the posts of Junior Engineer Grade II published by the respondents and signed by the third respondent are set aside. The respondents/CMRL are directed to call for the willingness of the petitioners in the order of merit ranking, within a period of four weeks from the date of receipt of a copy of this order and thereafter shall consider their claim for appointment to the post of Junior Engineer Grade-II (Station Control) in the Scale of Pay of Rs.8,000 -14,140, subject to exercise of option by them and fulfillment of eligibility criteria and issue orders of appointment within a period of six weeks thereafter and communicate the decision taken to the petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

(ii) In the light of the orders passed in W.P.Nos.31491, 31492 and 31550 of 2016, no further orders are necessary in W.P.Nos.15196 and 15197 of 2016. Hence, W.P.Nos.15196 and 15197 of 2016 are closed. No costs. Consequently, connected miscellaneous petitions are closed.

(iii) It is made clear that since this order came to be passed on peculiar facts and circumstances, it cannot be cited as a precedent in future cases.”

3. The respondents in the writ petition in W.P.No.31491 of 2016, filed W.A.No.400 of 2017 and it was disposed on 17.04.2017, granting liberty to the appellants therein/official respondents in the writ petition to seek clarification or review of the order dated 02.01.2017 made in W.P.No.31491 of 2016 and it is relevant to extract paragraph Nos.5 and 6 of the said

“5. According to the learned senior counsel for the appellants, though the learned Single Judge has directed the appellants to consider the first respondent for appointment to the post of Junior Engineer Grade II, after setting aside the subsequent notification, the appellants are at a loss to understand as to how the pay scale for Grade II at Rs.8000-14140 could be fixed when the second notification was quashed.

6. In the light of the above submission, we are of the considered opinion that if the appellants entertain a doubt as to how the pay scale as per the second notification could be fixed for the first respondent while appointing him to the post of Junior Engineer Grade II, particularly when the second notification is quashed, in view of the fact that the first respondent was provisionally selected for Junior Engineer Grade I as per the first notification, the appellants ought to have approached the learned Single Judge for getting necessary clarification or review of the order, instead of preferring the writ appeal.”

4. Mr.R.Thiagarajan, learned Senior Counsel appearing for the review applicants would submit that if the impugned order, quashing the cancellation notification dated 23.08.2016 as well as the consequent employment advertisement/notification dated 23.08.2016, is recalled and it is restored, the respondents/writ petitioners will be given accommodation as per the merit list drawn and therefore, prays for appropriate orders.

5. The learned counsel appearing for the private respondents/writ petitioners would submit that since the drawn merit list has not been

exhibited, despite information sought under Right to Information Act, the respondents/writ petitioners are having certain apprehension and has no serious objection in restoring the Cancellation Notification dated 23.08.2016 as well as the consequent Employment Advertisement/Notification dated 23.08.2016.

6. This Court has carefully considered the rival submissions and also perused the entire materials placed before it.

7. It is relevant to extract Ground (F) of the review application:

“F. It is also submitted that the applicant on its website made it abundantly clear that offer of appointment to the provisionally selected candidates will happen in a staggered manner as and when the operational requirement for such posts arises. The Applicant had every right to issue cancellation notification dated 23.08.2016 as the operational requirement for the remaining posts did not arise and therefore the Provisional Selection of candidates to whom the offer of appointments could not be issued with reference to employment notification No.CMRL/HR/01/2013 was rightly cancelled vide Cancellation Notification dated 23.08.2016. Further, the cancellation provisional selection is not only for the candidates under Post Code-01 but also applicable to the candidates to whom the offer of appointment could be issued under Post Code-02 and Post Code-03. Through the Notification dated 23.08.2016, it was clearly informed that the Operational Requirement for the earlier Notification has been achieved in respect of Post Code-01, Post Code-02 and Post Code-03 and the remaining provisional selection stands cancelled. Therefore, the cancellation notification dated 23.08.2016 is required be restored in respect of Post Code-02 and Post Code-03 enabling

CMRL to fill up the remaining posts through the employment notification No.CMRL/HR/06/2016. The Applicants preferred to file Writ Appeals in W.A.No.400, 401, 402 of 2017 against common order dated 02.01.2017 passed by this Hon'ble Court. The Hon'ble Bench in its order dated 17.04.2017, gave liberty to the Applicants to get a clarification/review of the order dated 02.01.2017. In view of this cancellation notification dated 23.08.2016 and employment notification No.CMRL/HR/06/2016 ought not to have cancelled”.

8. In the light of the fact that the respondents/writ petitioners have no objection for restoration of the Cancellation Notification dated 23.08.2016 as well as the employment notification in Advt.No.CMRL/HR/06/2016 dated 23.08.2016, these Review Application are allowed with the following directions:

(i) Paragraph No.17(i) of the common order dated 02.01.2017 made in W.P.Nos.15196, 15197, 31491, 31492 and 31550 of 2016 insofar as the impugned Cancellation Notification dated 23.08.2016 and consequential employment notification dated 23.08.2016 is recalled and both stand restored.

(ii) The appellants/official respondents in the writ petitions, in the light of the stand taken in Ground (D) of the Review Application, is directed to draw the merit list as per the above said notification/advertisement dated 23.08.2016 insofar as the respondents/writ petitioners are concerned and pass

appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the writ petitioners. No costs.

18.08.2017

Index : Yes / No  
Internet : Yes / No  
jvm

**Note: Issue Order on 23.08.2017**

To

1. The Managing Director,  
Chennai Metro Rail Limited,  
Admin Building, CMRL Depot,  
Poonamallee High Road,  
Koyambedu, Chennai-600 107.



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**M.SATHYANARAYANAN, J.**

jvm

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**Rev.Appl.Nos.128 to 130 of 2017**

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