



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 22495 of 2018

P.S.Loganathan

... Petitioner

-vs-

1. The Government of Tamil Nadu,
rep. by its Secretary,
Labour & Employment Exchange Department,
St. George Fort,
Chennai - 600 009.
2. The District Collector,
District Collectorate Office,
Salem District - 636 001.
3. The Managing Director,
Salem Steel Plant,
Salem - 636 013.
4. The Director of Employment & Training,
Chepakam,
Chennai - 600 005.
5. The Assistant Director,
District Employment Exchange Office,
Salem - 635 005.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents herein to issue a order of appointment to the Petitioner in the Third Respondent's Company according to the Petitioner's educational qualification as per the Petitioner's representation dated 10.07.2018.

For Petitioner : Mr. M.Thamizhavel

For Respondents : Mrs. C.Sangamithirai,
Special Government Pleader
(for R1, R2, R4 and R5)

Mr. A.Ilango (for R3)



ORDER

Heard Mr. M.Thamizhavel, Learned Counsel for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First, Second, Fourth and Fifth Respondents and Mr. A.Ilango, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Third Respondent to appoint the Petitioner according to his educational qualification as claimed in his representation dated 10.07.2018.

3. Learned Counsel for the Third Respondent has brought to notice that the Central Government by Notification No. S.O. 727 (E) dated 31.03.2010 in the exercise of powers conferred under 14(2) of the Administrative Tribunals Act, 1985 (hereinafter referred to as 'the Act' for short), has specified that Steel Authority of India is an authority to whom the provisions of the Act would apply from 15.04.2010 onwards and its copy has been produced before this Court. It is stated that as the Third Respondent, viz., Salem Steel Plant, is an unit of Steel Authority of India, the Petitioner would have to approach the Central Administrative Tribunal for any service dispute relating to the Third Respondent.

4. At this juncture, it would be appropriate to refer to the ruling of the Constitution Bench of the Hon'ble Supreme Court of India in L.Chandra Kumar -vs- Union of India [(1997) 3 SCC 261] in which it has been held as follows:-

"99. ...The Tribunals created under Article 323-A and Article 323-B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the Tribunal concerned falls. The Tribunals will, nevertheless, continue to act like courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned...."

Having regard to the aforesaid legal position, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to file an application before the



Central Administrative Tribunal for the relief claimed in this Writ Petition and he has also made an endorsement to that effect in the court record. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 20.08.2018, till the date on which certified copy of this order is made ready by the Registry, shall be excluded.

In the result, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Secretary to Government of Tamil Nadu,
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Chennai - 600 005.
5. The Assistant Director,
District Employment Exchange Office,
Salem - 635 005.

+1cc to Mr.M.Thamizhavel, Advocate, S.R.No.8297

+1cc to Mr.A.Ilango, Advocate, S.R.No.8439

+1cc to the Government Pleader, S.R.No.8645

W.P. No. 22495 of 2018

MG(CO)

SB(18/02/2022)