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W.P.Nos.14392, 14415 and 19682 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM :

The Hon'ble Mr. Justice PARESH UPADHYAY
and
The Hon'ble Mr. Justice D.BHARATHA CHAKRAVARTHY

W.P.Nos.14392, 14415 and 19682 of 2020
and

W.M.P. Nos.17861, 17864, 17903, 17905, 24317 and 24318 of 2020,
7491 and 7484 of 2021, 20217, 20248 14002, 16735 and 26553 of
2022

W.P.No.14392 of 2020:

- 1.R.S.Sreejith
- 2.K.Bujji
- 3.N.Sambasivam
- 4.Basel.K
- 5.S.Indumathi
- 6.E.Muthulakshmi
- 7.S.Sudha
- 8.M.Ganesan
- 9.I.Christina Mary
- 10.Franco E Francis
- 11.V.Sujatha
- 12.G.Kavithabashini
- 13.S.Geetha

.. Petitioners

VS

1.Union of India represented by
The Secretary to Government,
Ministry of Defence, South Block,
New Delhi – 110 001.



W.P.Nos.14392, 14415 and 19682 of 2020

2. Ordnance Factory Board represented by
its Chairman,
10-A SK Bose Road,
Calcutta 70 001.

3. The Senior General Manager,
Heavy Vehicles Factory,
Avadi, Chennai 600 054.

4. The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai 600 104.

5. C. Palani Kumar

6. R. Jagadesh

7. E. Ganesan

8. A. Anand

9. M. Sivaraman

.. Respondents

(R5 to R9 impleaded *vide* order dated 19.02.2021
passed in W.M.P.No.20497 of 2020 in W.P.No.14392 of 2020)

W.P.No.14415 of 2020:

1. N. Kannan

2. V. Lakshmipathy

3. D. Rajasekaran

4. A. Sathyavelu

5. K. Ramachandran

6. Y. Mohemood

7. L. Koteswaran

8. M. Suresh

9. A. Susairaj

10. M. Manivannan

11. S. Thirumugam

12. N. Subramani

13. V. Pio Vimalanathan

14. V. Ragaveswaran Pillai

15. A. S. Kumar

.. Petitioners

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Heavy Vehicles Factory,
Avadi, Chennai 600 054.

4.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai 600 104.

5.P.Thulasiraman

6.A.Velayutham

7.K.Elango

8.T.Mayavel

9.Anbazhagan

.. Respondents

(R5 to R9 impleaded *vide* order dated 19.02.2021
passed in W.M.P.No.20507 of 2020 in W.P.No.14415 of 2020)

W.P.No.19682 of 2020:

1.K.Udayakumar

2.A.Raju

3.R.Sridevi Balan

4.S.Saminathan

5.S.Selvam

6.R.Marimuthu

.. Petitioners

vs

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Avadi, Chennai 600 054.

4. The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai 600 104.

5. S. Magendiran

6. A. Sekar

7. D. Rajkumar

8. R. Raja

9. G. Rameshbabu

10. N. Thiruvalluvan

11. HVF OBC EW Association represented by
its General Secretary, Mr. Balamurugan,
having office at 41, J. Jayalalitha Street,
Sri Venkateswara Nagar, Near New
Kanniamman Nagar, Morai, Avadi, Chennai – 600 055.

12. P. Loganathan

.. Respondents

(R5 to R12 impleaded *vide* order dated 21.04.2021
passed in W.M.P.No.8142 of 2021 in W.P.No.19682 of 2020)

Prayer in W.P.No.14392 of 2020: Writ Petition filed under
Article 226 of the Constitution of India praying to issue a writ of
certiorarified mandamus calling for the records of 4th respondent
Tribunal in its order dated 21.09.2020 made in M.A.No.230 of 2020 in
O.A.No.405 of 2020 insofar as it denies the interim relief as prayed
for by the petitioners in M.A.No.230 of 2020 in O.A.No.405 of 2020,



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quash the same and consequently forbear the respondents from effecting reversion postponement of date of promotion and re-fixation of pay of the petitioners or any other action based on Factory orders Nos.1718 and 1719 of 2020 dated 02.09.2020 issued by 3rd respondent pending disposal of O.A.No.405 of 2020.

Prayer in W.P.No.14415 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of 4th respondent Tribunal in its order dated 21.09.2020 made in M.A.No.229 of 2020 in O.A.No.404 of 2020 insofar as it denies the interim relief as prayed for by the petitioners in M.A.No.229 of 2020 in O.A.No.404 of 2020, quash the same and consequently forbear the respondents from effecting reversion postponement of date of promotion and re-fixation of pay of the petitioners or any other action based on Factory orders No.1719 of 2020 dated 12.09.2020 issued by 3rd respondent pending disposal of O.A.No.404 of 2020.

Prayer in W.P.No.19682 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of 4th respondent Tribunal in its order dated 18.08.2020 made in M.A.No.216 of 2020 in O.A.No.370 of 2020, quash the same and consequently allow the Original Application as prayed for.



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For Petitioners
in all petitions : Mr.N.Karthik Rajan
for Mr.Menon

For R1 to R3
in all petitions : Mr.R.Sankara Narayanan
Additional Solicitor General
Assisted by
Mr.Kulathaivel
Special Government Pleader

For R5 to R9
in W.P.Nos.14392
& 14415 of 2020 : Mr.R.Rajesh Kumar

For R5 to R10
in W.P.No.19682
of 2020 : Mr.R.Rajesh Kumar

For R11 to R12
in W.P.No.19682
of 2020 : Mr.N.Balamuralikrishnan

COMMON ORDER

(Made by PARESH UPADHYAY.,J)

1. Heard Mr.N.Karthik Rajan, learned advocate for the petitioners, Mr.R.Sankaranarayanan, learned Additional Solicitor General of India for Mr.C.Kulanthaivel, learned Special Government Pleader for respondents 1 to 3, Mr.R.Rajesh Kumar, learned advocate for respondents 5 to 9 in W.P. Nos.14392 and 14415 of 2020 and for respondents 5 to 10 in W.P.No.19682 of 2020 and Mr.N.Balamuralikrishna, learned advocate for respondents 11 and 12 in W.P.No.19682 of 2020.



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2. Mr.R.Sankaranarayanan, learned Additional Solicitor General

has drawn the attention of this Court to the contents of the affidavit dated 26.10.2022 filed by Mr.M.Sivakumar, General Manager, Heavy Vehicles Factory, Avadi, Chennai – 54, more particularly para (xxiv) thereof, which reads as under:

"(xxiv) In view of the e-mail dated 21.07.2020, the circular dated 08.07.2020 and all consequential orders pursuant to as on date are to be withdrawn. I further submit that even though circular No.60 of 08.07.2020 notionally granted promotions retrospectively, no consequential benefits was either granted or reduced to the petitioners. I further mostly humbly submit that in such a situation, withdrawal of circular No.60 dated 08.07.2020, as per the mail dated 21.07.2020 of the 2nd respondent would not prejudice anyone."

3. The above leads to a situation, where the cause of action for the writ petitioners, who are the applicants before the Central



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Administrative Tribunal would not survive. In view of this, the O.As. before the Central Administrative Tribunal would not survive. Since the present writ petitions arise from the refusal by the Tribunal to grant interim protection during pendency of O.As., nothing survives in these writ petitions to be adjudicated.

4.1 Learned advocate for the writ petitioners has however shown apprehension on behalf of the writ petitioners that, the manner in which the issue has been handed up till now by the third respondent, inspite of the stand in the affidavit as quoted above, actually office order is not passed withdrawing the circular dated 08.07.2020 and consequential action.

4.2 The above is responded by learned Additional Solicitor General by stating that, appropriate order(s) would be passed on that line immediately.

5. Learned advocate for the contesting group has vehemently submitted that, the action of the respondent authorities of referring to the contents of the e-mail dated 21.07.2020 and thereby withdrawing the impugned circular dated 08.07.2020 is



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illegal and the same should not have been done. In this regard, it is noted that, in view of what is recorded above, the cause of action for the writ petitioners does not survive and beyond that, expressing any opinion by the Court may prejudice either side, which need not be done.

6. In view of what is noted above, learned advocate for the writ petitioners seeks permission to withdraw these writ petitions. Permission as prayed for is granted. The writ petitions are disposed of accordingly. Connected miscellaneous petitions would not survive. No costs.

(P.U., J) (D.B.C., J)
27.10.2022

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and
D.BHARATHA CHAKRAVARTHY, J.

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