



W.M.P. No.23640 of 2021
in W.P. No.15182 of 2021

S.S.SUNDAR, J.,

This Court, by order dated 23.07.2021, disposed of the writ petition in W.P. No.15182 of 2021 filed by the respondent herein in the following lines:

“ ...

4. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representations dated 04.02.2021 and 19.04.2021 respectively, on merits and in accordance with law and in the light of the order passed by the second respondent in case No.12086/1021/2020 dated 06.01.2021 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.”

Thereafter, the writ petitioner filed the contempt petition alleging wilful disobedience of the aforesaid order passed by this Court. In the meanwhile, the first respondent in the writ petition has filed a petition for clarification.

2. From the affidavit filed by the Senior Material Manager, it is seen that the first respondent in the writ petition is not competent to decide the representation of the petitioner. Though in the order, there is reference to the representations dated 04.02.2021 and 19.04.2021 to the first respondent, it is now admitted before this Court that the first representation dated 04.02.2021 was not



submitted to the first respondent. Though the representation dated 19.04.2021 was sent to the first respondent in the writ petition, it is stated that the proper authority to consider the representation dated 19.04.2021, is the Principal Chief Material Manager.

3. It is to be noted that this Court passed an order directing the respondents to consider the representation in the light of the order passed by the second respondent dated 06.01.2021. It is now represented by the learned senior counsel for the petitioner in the application for modification, that the competent authority who will consider the representation of the petitioner may not be in a position to consider the representation in the light of the order of the second respondent dated 06.01.2021, as the order of second respondent is under challenge before this Court in a writ petition. This statement is not disputed.

4. Having regard to the fact that the first respondent in the writ petition is no way concerned or competent to decide the representation of the petitioner dated 19.04.2021, this Court is inclined to modify the order taking into account the pendency of the writ petition challenging the order of second respondent dated 06.01.2021. Thus, paragraph '4' of the order passed by this Court in W.P. No.15182 of 2021 dated 23.07.2021 shall be deleted and the following paragraph shall be treated as paragraph '4' of the order.



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“ 4. It is admitted that only the representations dated 19.04.2021 is submitted to the first respondent. Since it is brought to the notice of this Court that the first respondent in the writ petition is not competent to decide the representations of the petitioner dated 19.04.2021, it will not be appropriate to direct the first respondent in the writ petition to consider and dispose of the petitioner's representations dated 19.04.2021. When the order of second respondent dated 06.01.2021 is impugned in another writ petition which is pending before this Court, there cannot be a direction to the official respondents to consider the representation of the petitioner in the light of the order passed by the second respondent dated 06.01.2021. It is also admitted that only the Principal Chief Material manager, General Stores Depot, is competent to consider the representation. Taking into consideration the above facts and pendency of writ petition, this Court is inclined to pass the following order:

“ The petitioner is hereby directed to submit a fresh representation to Principal Chief Materials Manager, General Stores Depot, Southern Railway, Perambur, Chennai – 23, within a period of two weeks from today. Upon receipt of representation from the petitioner, the Principal Chief Materials Manager, is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of representation from the petitioner.””



5. Since the order is passed in the petition for modification of order filed by the Chairman of the Railway Board, the Principal, Chief Materials Manager, shall not turn down the representation of the petitioner on the ground that he is not a party to the proceedings. Registry is directed to issue copy of the modified order in the writ petition to the parties as well as the Principal Chief Materials Manager, General Stores Depot, Southern Railway, Perambur, Chennai – 23.

6. Thus this petition is allowed to the extent indicated above.

01.03.2022

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