



WEB COPY



W.P.No.30307 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM

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

W.P.No.30307 of 2022
and W.M.P. No.29753 of 2022

S.Pradeep

.. Petitioner

VS

1.The Engineer in Chief,
Military Engineer Services,
Kashmir House, New Delhi.

2.The Chief Engineer,
Southern Command,
Pune – 411 001.

3.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai – 104.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus to call for the
records relating to the third respondent herein in rejecting the interim
relief in O.A. No.893 of 2022 dated 18.10.2022 and quash the same
and consequently stay the order passed by the second respondent



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herein in PO No.40/2022132402/2022/MR/01/E1B(S)/A2 dated 31.03.2022 and the consequential order in No.132402/2022/S Pradeep/17/E1B(s)/A2 dated 26.09.2022 pending disposal of O.A. No.893 of 2022.

For Petitioner : Mr.R.S.Anandan

ORDER

(Made by PARESH UPADHYAY.,J)

1. Challenge in this writ petition is made to the order dated 18.10.2022 passed by the Central Administrative Tribunal recorded on O.A. No.893 of 2022.

2. The Tribunal, while admitting the original application and issuing notice to the respondents, refused to grant exparte relief. The petitioner is aggrieved by it.

3. Though learned advocate for the petitioner has attempted to address the Court on merits of the matter, we find prima facie that, in the facts of the case, refusal to grant exparte relief itself can not be



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said to be a grave error where the jurisdiction of Article 226 of the Constitution of India should be exercised. This writ petition is therefore dismissed. No costs. Connected miscellaneous petition would not survive.

(P.U., J) (D.B.C., J)
16.11.2022

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To

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**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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