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W.P.No.1689 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.1689 of 2019

G.Sridhar

..

Petitioner

v.

1. Union of India
rep.by the General Manager
Integral Coach Factory
Chennai 600 038
2. Deputy Chief Mechanical Engineer/Planning
(Disciplinary Authority)
Integral Coach Factory
Chennai 600 038
3. Senior Mechanical Engineer/DSD
(Inquiry Officer)
Integral Coach Factory
Chennai 600 038



W.P.No.1689 of 2019

WEB COPY

4. The Registrar

Central Administrative Tribunal

Chennai Bench

High Court Complex

Chennai 600 104

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records relating to the OA 310/01893/2016 from the files of the 4th respondent Tribunal and quash the impugned order made therein dated 20.11.2018.

For Petitioner :: Mr.K.M.Ramesh
Senior Counsel for
Ms.R.Sandhya

For Respondents :: Mr.Vijay Anand for R1 to R3
R4-Tribunal

ORDER

(Order of the Court was made by D.KRISHNAKUMAR,J.)

The petitioner challenged the charge memo dated 7.6.2005 issued by the Disciplinary Authority in O.A.No.1893 of 2016 before the Central Administrative Tribunal, Chennai Bench on the ground of delay and laches on the part of the respondents in conducting the disciplinary proceedings. Since the Central Administrative Tribunal did not accept the contentions of



W.P.No.1689 of 2019

the petitioner, the O.A., came to be dismissed by the impugned order.

Aggrieved thereby, the present writ petition has been filed.

2. When the matter was taken up, the learned counsel appearing for the petitioner fairly stated that after the dismissal of the O.A., challenging the charge memo dated 7.6.2005, immediately, the respondents passed an order of dismissal from service dated 27.11.2018 against the petitioner. The said dismissal order has been challenged by the petitioner in I.D.No.29 of 2020 before the Central Government Industrial Tribunal-cum-Labour Court, Chennai and therefore nothing survives for adjudication in this writ petition. However, in view of the subsequent development, the learned counsel sought for liberty to agitate the matter before the Central Government Industrial Tribunal-cum-Labour Court, Chennai in the pending I.D.No.29 of 2020 by raising all the grounds including the grounds raised in the present writ petition, for a decision on merits uninfluenced by any of the observations made by the Central Administrative Tribunal, Chennai Bench in the impugned order.



W.P.No.1689 of 2019

WEB COPY

3. The learned counsel appearing for the respondents 1 to 3 also, reiterating the submission that the petitioner was subsequently dismissed from service by the order dated 27.11.2018, sought for dismissal of the writ petition, as the matter has become infructuous.

4. Recording the aforesaid statement made by the respective learned counsel appearing for the parties and taking note of the subsequent development that the order of dismissal dated 27.11.2018 was passed against the petitioner and the same has been put to challenge in I.D.No.29 of 2020 before the Central Government Industrial Tribunal-cum-Labour Court, Chennai, this writ petition stands dismissed, as nothing survives for adjudication. It is open to the petitioner to raise all the grounds including the grounds raised in the present writ petition before the Central Government Industrial Tribunal-cum-Labour Court, Chennai in the pending I.D.No.29 of 2020, which shall be dealt with on its own merits and in accordance with law without being influenced by any of the observations made by the Central Administrative Tribunal, Chennai Bench in the



W.P.No.1689 of 2019

O.A.No.1893 of 2016. With the aforesaid liberty, the writ petition stands dismissed as infructuous. There shall be no order as to costs.

(D.K.K.,J.) (P.B.B,J.)
18.08.2023

Index : yes/no
Neutral citation : yes/no

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To

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WEB COPY



W.P.No.1689 of 2019

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W.P.No.1689 of 2019

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