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W.P.No.27994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

W.P.No.27994 of 2023 and

WMP Nos.27502 and 27504 of 2023

1. Dakshin Railway Employees' Union, (Regn.No.3068),
Rep. by its General Secretary, V.Hrilal,
No.27, Mosque Street, Chempauk, Chennai.
2. B.Balamurugan, House Keeping Assistant-Medical,
Chennai Headquarters, Southern Railway,
Chennai.

...Petitioners

//vs/

1. The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai.
2. Union of India, Rep. by the Chairman,
Railway Board, Rail Bhavan,
New Delhi.
3. The Southern Railway,
Rep. by the General Manager,
Park Town, Chennai 600 003.
4. Principal Chief Personnel Officer,
Headquarters Office, Personnel Branch, Chennai 600 003.



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5. Senior Divisional Personnel Officer,
Divisional Railway Manager Officer,
Southern Railway, Madurai. 625 016.

6. Senior Divisional Personnel Officer,
Divisional Railway Manager Office,
Southern Railway, Palghat 678 002.

7. Senior Divisional Personnel Officer,
Divisional Railway Manager Office,
Southern Railway, Thycaud,
Trivandrum 695 014.

8. Senior Divisional Personnel Officer,
Divisional Railway Manager Office,
Southern Railway, Chennai Division,
Park Town, Chennai 600 003.

9. Senior Divisional Personnel Officer,
Divisional Railway Manager Office,
Southern Railway,
Tiruchirappalli Junction 620 001.

... Respondents

Prayer : Writ Petition filed under Article 226 r/w Article 227 of the Constitution of India seeking to issue Writ of Mandamus, directing the first respondent Tribunal to post O.A.No.806/2022 for early hearing before the Division Bench presided over by the Hon'ble Judicial Member Mr.M.Swaminathan and to continue the interim order dated 19.09.2022 in the said case, until further orders of the Central Administrative Tribunal, Chennai Bench.



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For Petitioners : Ms.R.Vaigai, Senior Counsel
for Ms.Anna Mathew

For Respondents : Mr.AR.L.Sundaresan,
Additional Solicitor General,
for Mr.V.Ashok Kumar
Central Government Senior Counsel
for respondents 2 to 9.

ORDER

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

Today, the learned counsel for the petitioners has made a mention before this Court at 10.30 a.m., narrating the urgency of the matter and has sought permission of this Court to move the matter at the lunch motion. Accordingly, permission was granted and the matter is taken up at 2.15 p.m. under the caption " lunch motion".

2. By consent of learned counsel appearing for both the parties, this writ petition has been taken for final disposal.

3. The Writ Petitioners have filed O.A.No.806/2002 before the Central Administrative Tribunal, Chennai Bench, seeking to issue an interim



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injunction restraining the respondents/Railway Board from disengaging the services of the first petitioner's members i.e. 202 House Keeping Assistants (Safaiwalas) appointed pursuant to the notification dated 27.07.2018 issued by the Chairman, RRC, pending final disposal of the original application. In that original application, interim order was granted by the Tribunal, vide order dated 19.09.2022 and it was extended from time to time.

4. According to the petitioners, when the matter was listed before the Tribunal on 20.09.2023, the interim order, already granted and extended from time to time, has not been extended, since the Judicial Member passed an order in the open court "not before me". Therefore, the instant writ petition has been filed seeking direction to the first respondent Tribunal "to post O.A.No.806/2022 for early hearing before the Division Bench presided over by the Hon'ble Judicial Member Mr.M.Swaminathan and to continue the interim order dated 19.09.2022 in the said case, until further orders of the Central Administrative Tribunal, Chennai Bench."

5. Ms.R.Vaigai, learned Senior Counsel for Ms.Anna Mathew,



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appearing for the petitioners submitted that the afore said interim order passed by the Tribunal in O.A.No.806/2022, dated 19.09.2022, and extended from time to time till 20.09.2023, was not extended further, as stated supra. Hence, she prays to post the matter before the other Judicial Member with direction to dispose the original application and in the mean time, she seeks extension of the interim order already granted in the above original application.

6. The learned Senior Counsel appearing for the petitioners has also filed an additional affidavit stating as "*all the Divisions of the Southern Railway, the House Keeping Assistants (Safaiwalas) were permitted to mark their attendance and discharge their duty and are as such continuing to work today (i.e. 21.09.2023)*"

7. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for the Railway Board has denied all the allegations made by the petitioners as against the Judicial Officer in the affidavit. However, without going into the said allegations, he fairly agreed the fact that the Judicial



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Member has voluntarily stated that not to list the above O.A.No.806/2022 before her. Therefore, he has no serious objection to list the matter before the other Bench. He also submitted that the above O.A.No.806/2022 may be ordered to be disposed of, within three weeks.

8. The learned Senior Counsel appearing for the petitioners has also agreed for disposal of the above O.A.No.806/2022 at an earliest, provided the interim order already granted may be extended, till the disposal of the above original application.

9. Considering the facts and circumstances of the case and also taking into account the submission made by learned Senior Counsel as well as the Additional Solicitor General, we inclined to pass the following order.

i). The interim order already granted in O.A.No.806/2022 by the Central Administrative Tribunal, Chennai Bench, dated 19.09.2022, and extended from time to time till 20.09.2023, is extended for a further period of four weeks.

ii). The first respondent is directed to take appropriate steps to post



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the O.A.No.806/2022 before the alternative Bench.

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iii). The Bench, before which the O.A.No.806/2022 to be listed, shall dispose the above application, within eight weeks from the date of receipt of a copy of this order.

iv). It is open to petitioners to file appropriate application, seeking further extension of interim order, if required.

v) We do not wish to go into the allegations made as against the Judicial Member in the affidavit filed along with the writ petition .

10. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.)

(P.B.B.J.)

21.09.2023

Internet: Yes/No

Index : Yes/No

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To

1. The Registrar,

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2. The Chairman, Union of India,
Railway Board, Rail Bhavan, New Delhi.
3. The General Manager, Southern Railway,
Park Town, Chennai 600 003.
4. Principal Chief Personnel Officer,
Headquarters Office, Personnel Branch,
Chennai 600 003.
5. Senior Divisional Personnel Officer,
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