



W.P.No.34484 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.34484 of 2022
and W.M.P.No.33932 of 2022

1.S.Seeva

2.R.Palanimuthu

3.U.Poomarimuthu

4.S.Dhanapalan

.. Petitioners

Vs.

1.Union of India
Represented by the Chairman
Railway Board
Rail Bhavan, New Delhi.

2.The Southern Railway
Represented by the General Manager
Park Town
Chennai-600 003.

3.Senior Divisional Personnel Officer
Divisional Railway Manager Office
Southern Railway
Madurai-625 016.

4.R.Jeyasankar



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5.The Registrar
Central Administrative Tribunal
Madras Bench, Chennai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for records pertaining to order dated 22.11.2022 in Original Application No.310/00997 of 2022 pending on the file of the 5th respondent, quash the same and consequently directing the respondents 1 to 3 not to fill up the vacancies of Junior Engineer/Permanent Way against 20% promotional quota (Seniority-cum-suitability) (Non-selection post) in Pay Matrix Level – 6, without first re-designating the petitioners in the post of Track Maintainer Gr-I w.e.f. 22.09.2014 above the 4th respondent and considering them for promotion to the post of Junior Engineer/Permanent Way above the 4th respondent.

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

For R1 to R4 : Mr.A.R.L.Sundaresan
Additional Solicitor General
for Mr.Venkataswamy Babu
SPC (GOI)

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

This writ petition is filed challenging the order dated 22.11.2022 in Original Application No.310/00997 of 2022 pending on the file of the 5th



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respondent and consequently directing the respondents 1 to 3 not to fill up the vacancies of Junior Engineer/Permanent Way against 20% promotional quota (Seniority-cum-suitability) (Non-selection post) in Pay Matrix Level – 6, without first re-designating the petitioners in the post of Track Maintainer Gr-I w.e.f. 22.09.2014 above the 4th respondent and considering them for promotion to the post of Junior Engineer/Permanent Way above the 4th respondent.

2.Mr.A.R.L.Sundaresan, learned Additional Solicitor General is appearing on behalf of Mr.Venkataswamy Babu, learned Senior Panel Counsel (Government of India), who takes notice for the respondents 1 to 4. The learned Additional Solicitor General appearing for the respondents 1 to 4 submitted that the respondents will file counter within four weeks.

3.Heard Ms.R.Vaigai, learned Senior Counsel appearing for the petitioners as well as Mr.A.R.L.Sundaresan, learned Additional Solicitor General appearing for the respondents 1 to 4 and perused the entire materials on record.

4.The petitioners are claiming that they are entitled to promotion to



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the post of Junior Engineer/Permanent Way. The respondents 1 to 3 without considering their seniority, are trying to promote 4th respondent and others. The petitioners filed O.A.No.310/00997 of 2022. The Tribunal admitted the O.A. The learned Standing Counsel appearing for the respondents 1 to 3 took notice for the respondents 1 to 3 and issued notice to other respondent. As far as interim relief sought for in the O.A. is concerned, the Tribunal considering the submissions of the learned counsel for petitioner and in the interest of justice passed the following order:

“5.In view of the submissions made by learned counsel for applicants and in the interest of justice, it is made clear that any promotion made to the post of Junior Engineer/Permanent Way against 20% promotional quota (Seniority-cum-suitability) (Non-selection post) will be subject to the final outcome of this OA.”

5.The petitioners are challenging the interim order dated 22.11.2022 made in O.A.No.310/00997 of 2022. The petitioners are seeking for re-designating them in the post of Track Maintainer Grade-I with effect from 22.09.2014 above the 4th respondent and considering them for promotion to the post of Junior Engineer/Permanent way above



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the 4th respondent. The respondents 1 to 3 must fill up all the vacancies so that the work is carried out efficiently and properly. Restraining them from filling up the post will affect the work of administration. The Tribunal by the impugned order had made it clear that any promotion made by the respondents 1 to 3 will be subject to result of O.A. By the said order, the interest of petitioners are safeguarded and if they succeeded in the O.A., they will get promotion with all the attendant benefits.

6.Learned Senior Counsel appearing for the petitioners submitted that in view of delay in disposing the O.A., they have to work in the lower cadre.

7.Considering the above submissions of the learned Senior Counsel appearing for the petitioners as well as the learned Additional Solicitor General appearing for the respondents 1 to 4, the respondents 1 to 4 are directed to file counter in O.A. within a period of four weeks from the date of receipt of a copy of this order and on filing such counter, the 5th respondent/Central Administrative Tribunal is requested to dispose of O.A. as expeditiously as possible, in any event, within four months



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thereafter.

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8. With the above observations, the writ petition stands dismissed.

No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V., J) (R.H., J)
02.01.2023
(2/2)

Index :Yes/No

Internet:Yes/No

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To

1. Union of India
Represented by the Chairman
Railway Board
Rail Bhavan, New Delhi.

2. The Southern Railway
Represented by the General Manager
Park Town, Chennai-600 003.

V.M.VELUMANI,J.
and
R.HEMALATHA,J.



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3.Senior Divisional Personnel Officer
Divisional Railway Manager Office
Southern Railway
Madurai-625 016.

4.The Registrar
Central Administrative Tribunal
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