



W.P.No.502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

W.P.No.502 of 2024

1.K.Manoharan

2.V.Porkody

... Petitioners

-Vs-

1.Union of India

Rep.by the Chief Secretary to Government
Government of Puducherry, Puducherry.

2.The Secretary to Government (Government)

Chief Secretariat, Government of Pondicherry
Pondicherry.

3.The Director of School Education

Government of Podicherry
Pondicherry.

4.Central Administrative Tribunal

Rep.by its Registrar, Madras.

... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records on the file of the 4th respondent relating to the order dated 14.12.2022 in Review Application No.2 of 2018 passed by the 4th respondent quash the same as illegal and consequently direct the 3rd respondent to appoint the petitioners as School Librarians with effect from 22.11.2010 with all consequential benefits including seniority, arrears of salary and all other attendant benefits.

For Petitioners : Mrs.R.Vaigai, Senior Counsel
for M/s.Anna Mathew

For Respondents : Mr.Syed Mustafa
Special Government Pleader (Puducherry)



W.P.No.502 of 2024

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

WEB COPY

This writ petition has been filed against the order passed by the Central Administrative Tribunal (CAT), Chennai Bench in R.A.No.310 of 2018 in O.A.No.217 of 2012 dated 14.12.2022.

2. Heard Ms.R.Vaigai learned Senior Counsel appearing for the petitioners and Mr.Syed Mustafa, learned Special Government Pleader (Puducherry) who has taken notice for the respondents.

3. Originally there were four applicants before the Tribunal, who filed original application to seek for appointment as School Librarians. Out of the four, two were considered to be granted and remaining two cases were rejected by the Tribunal, as against which when writ petition was filed by the remaining two, whose cases were rejected by the Tribunal, the writ petition was dismissed, as against which Review Application also was filed by those two, who are the present applicants / writ petitioners, where, the roster point on which the vacancy was caused has not been properly brought before the Court earlier. Therefore, after getting necessary information through the RTI Act, the applicants were able to produce certain documents which were clinching evidences according to them to establish their cases that there has been vacancies and therefore their cases could have been considered by the Tribunal.



W.P.No.502 of 2024

WEB COPY

4. When this Review Application in R.A.No.112 of 2017 came up for consideration before a Division Bench of this Court, the Division Bench by order dated 14.11.2017, having considered those aspects, has passed the following order.

" 6. After hearing the learned counsel for the petitioners and the learned Special Government Pleader, we are of the view that interest of justice would be sub served by giving liberty to the petitioners to move the Tribunal with an application for review.

7. The petitioners are given liberty to file a review application before the Tribunal for review of the order dated 25.03.2014 in O.A.No.217 of 2012. In case of any such review application is filed within a period of three weeks time from today, the same shall be entertained and disposed of by the Tribunal on merits and as per law, notwithstanding the delay. The Review petition is disposed of with the above direction. No costs."

5. Therefore, by the said order of the Division Bench of this Court dated 14.11.2017, the petitioners therein, who are the applicants and petitioners herein were permitted to agitate the issue by filing necessary review application before CAT within the time stipulated therein and if such application is filed, that should be decided on merits based on the documents adduced by both sides.

6. Only pursuant to the said order of this Court dated 14.11.2017, the



W.P.No.502 of 2024

applicants / petitioners had approached the Tribunal by filing the present Review Application No.2 of 2018. However, while dismissing the said review application, the Tribunal has stated that the review applicants are trying to bring in fresh information available under RTI Act to re-appraise the matter afresh and therefore the review application cannot be entertained. Accordingly, the review application was rejected by the order impugned, against which the present writ petition has been filed.

7. In fact the Division Bench, by order dated 14.11.2017, which is quoted herein above, having taken note of these factors had given such liberty to the said applicants / petitioners to re-agitate the issue by way of a review application to be filed before the Tribunal. Therefore, the applicants / writ petitioners were at liberty to bring those documents before the Tribunal by way of a Review Application, which in fact they have undertaken. But, that has not been accepted by the Tribunal for no plausible reason.

8. In fact such a finding given by the Tribunal in Para 14 runs contra to the directions and observations made by the Division Bench of this Court in the order dated 14.11.2017. Therefore, we are of the view that the order passed by the Tribunal dated 14.12.2022, which is impugned herein, is liable to be interfered with for the purpose of remitting the matter back to the Tribunal for reconsideration in the light of the order passed by the Division Bench on 14.11.2017.



W.P.No.502 of 2024

9. Resultantly, the following orders are passed in this writ petition.

WEB COPY

- That the order passed by the Tribunal dated 14.12.2022 in Review Application No.2 of 2018 is hereby set aside.
- As a sequel, the matter is remitted back to the Tribunal for reconsideration. While reconsidering the same, the documents filed or to be filed in the Review Application by both sides shall be taken into account by the Tribunal and accordingly the Review Application shall be decided on merits and in accordance with law as expeditiously as possible.

With the above directions, the writ petition is disposed of. No costs.

(R.S.K.,J.) (K.B.,J.)

10.01.2024

1/2

Internet : Yes/No

KST

Note : Issue order copy tomorrow (11.01.2024)

To

- 1.The Chief Secretary to Government
Government of Puducherry, Puducherry.
- 2.The Secretary to Government (Government)
Chief Secretariat, Government of Pondicherry, Pondicherry.
- 3.The Director of School Education
Government of Podicherry, Pondicherry.
- 4.Central Administrative Tribunal
Rep.by its Registrar, Madras.



WEB COPY



W.P.No.502 of 2024

R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

KST

W.P.No.502 of 2024

10.01.2024