



W.P.Nos.3334 of 2018, 27703 & 30779 of 2015 etc., and batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.Nos.3334 of 2018, 27703 & 30779 of 2015, 26145 of 2016, 27070, 27071,
27173, 27182, 27186 of 2017, 2514, 2515, 2516, 2615, 2616, 3335, 3336 of
2018, & 3337 of 2018

and

M.P.Nos.1,1 of 2015,

W.M.P.Nos.22429 of 2016, 28886, 29027, 29041, 28885, 29051 of 2017, 3232,
3233, 3067, 3068, 3069, 4076, 4077, 4078 & 4079 of 2018

W.P.No.3334 of 2018

1. Union of India
Represented by the General Manager,
Southern Railway, Park Town,
Chennai - 600 003.

2. The Divisional Personnel Officer,
Tiruchirappalli Division,
Southern Railway, Trichy - 620 001.

... Petitioner

Vs.

1. The Registrar,
Central Administrative Tribunal,
Chennai Bench, High Court Campus,
Chennai - 600 104.

2. S.Shaik Saleem

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the order dated 25.11.2016 passed by the first respondent Tribunal in O.A.No.521 of 2015 and quash the same.

For Petitioner : Mr.V.Radhakrishnan
Senior Counsel
for Mr.M.Vijay Anand

For Respondents : R1 - Tribunal
R2 - No appearance

COMMON ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

A batch of writ petitions have been instituted challenging the common order of the Central Administrative Tribunal passed in O.A.Nos.516 to 524 of 2015 and batch.

2. The common order has been passed by the Tribunal directing the writ petitioners/respondents in Original Application, to review promotions already ordered in the light of the law laid down in the case of ***M.Nagaraj & Others vs. Union of India & Others*** dated 19.10.2006 and the respondents are further directed to re-examine the entire set of promotions, which were under challenge in the original applications before the Central Administrative Tribunal.



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3. Mr.V.Radhakrishnan, the learned Senior Counsel appearing on behalf of the writ petitioners/Railways would submit that the Authorities are not in a position to re-examine the promotions, in view of the pendency of the case before the Hon'ble Supreme Court of India with reference to the orders issued by Government of India, Ministry of Railways dated 01.09.2010 and the Office Memorandum's issued by the Department of Personnel and Training, Government of India.

4. During the pendency of the petitions before the Apex Court of India, the directions issued by the Central Administrative Tribunal cannot be complied with. Therefore, the present writ petitions came to be instituted.

5. We are of the considered opinion that the Central Administrative Tribunal has not issued any positive directions granting promotions to the respondents. Direction was issued only to re-examine set of promotions granted with reference to the law laid down by the Hon'ble Supreme Court of India in *M.Nagaraj's* case. Since the Office Memorandum's and the proceedings of the Indian Railways are subjudice before the Hon'ble Supreme Court of India, the said exercise is to be done only after disposal of the case by the Supreme Court of India.



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6. It is needless to state that after disposal of the pending cases by the

Hon'ble Supreme Court of India, all necessary actions are to be taken by the writ petitioners/Railways.

With the above observations, all the Writ Petitions stand **disposed of**. No costs. Consequently connected miscellaneous petitions are closed.

[S.M.S., J.]

[M.J.R., J.]

25.11.2024

Index: Yes/No

Speaking/Non-speaking order

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To

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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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W.P.Nos.3334 of 2018, 3337 of 2018,
26145 of 2016 etc., and batch

25.11.2024