



W.P.Nos.5127, 5128 & 5133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM :

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

W.P.Nos.5127, 5128 and 5133 of 2024

D.Ramesh	...	Petitioner in W.P.No.5127/2024
A.Govindasamy	...	Petitioner in W.P.No.5128/2024
J.Balasubramanian	...	Petitioner in W.P.No.5133/2024

-Vs-

- 1.Union of India
Indian Council of Medical Research
V.Ramalingaswamy Bhavan, Post Box No.4911
Ansari Nagar, New Delhi - 110 029.
- 2.The Secretary
Ministry of Health and Family Welfare
Nirman Bhavan, Ansari Nagar,
New Delhi - 110 001.
- 3.The Director
ICMR-Vector Control Research Centre
Gorimedu, Indira Nagar, Puducherry.
- 4.Indian Council of Medical Research (ICMR)
Centre for Research Medical Entomology
Rep.by its Director, No.4, Sarojini Street
Chinna Chokkikulam, Madurai-625 002.

... Respondents

Common Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Hon'ble Central Administrative Tribunal, Chennai Branch to hear and dispose of M.A.Nos.568, 567 and 575 of 2022 in O.A.Nos.1346, 1347 and 1345 of 2019 forthwith.



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For Petitioners : Mr.G.Ethirajulu
For Respondents : Mr.R.K.Gandhi
Central Govt.Standing Counsel-for R1&R2
Mr.K.Srinivasamurthy-for R3 and R4

COMMON ORDER

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

These three writ petitions have been filed seeking for a Mandamus by way of a direction to the Hon'ble Central Administrative Tribunal, Chennai Bench to hear and dispose of M.A.Nos.568, 567 and 575 of 2022 and O.A.Nos.1346, 1347 and 1345 of 2019 respectively.

2. Mr.G.Ethirajulu, learned counsel for the petitioners in all these cases have contended that the relief sought for in the main O.As for regularisation of the applicants who have been working in the respondent Department for more than two decades have been pending from 2019, where time and again it has been adjourned and at one point of time the Tribunal was pleased to grant an interim order of status quo on 06.11.2019 to maintain with regard to the services of these employees / applicants, but the said order has been extended only upto the filing of the counter by the respondents. After long years, they filed a counter on 18.04.2022. Thereafter, there has been no specific order passed by the Tribunal extending the order of interim relief, thereby the services of the applicants have been dispensed with on 30.04.2022, because of which they are out of service at least for more than a year.



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3. Therefore, since the applicants are put under such a pathetic situation, where they have been out of service for the past one year even though they have been working for more than 20 years in the respondent Department, in order to give a quietus to the issue the main O.As itself should have been disposed of for which since a counter has already been filed by the respondent Department, there could be no further impediment for the Central Administrative Tribunal Chennai Bench to dispose of the main O.As.

4. Learned counsel for the petitioners would further submit that in fact lastly on 05.02.2024 arguments were advanced by the applicants, but it has again been adjourned to the month of April 2024. Therefore, at this juncture, having no other option except to seek a writ of Mandamus since these writ petitions have been filed, the learned counsel for the petitioners seeks indulgence of this Court.

5. Mr.R.K.Gandhi, learned Central Government Standing Counsel takes notice for the respondents 1 and 2 and Mr.K.Srinivasamurthy, learned Standing Counsel takes notice for the respondents 3 and 4. They would submit that there has been no regular Presiding Officer attached with the Central Administrative Tribunal, Chennai Bench and the Presiding Officer working in the other Bench of the Tribunal has been in-charge of the Tribunal. Therefore, probably for want of time the Presiding Officer might have adjourned the matter.



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6. We considered the said submissions made by both sides and have perused the materials placed on record.

7. Since the prayer sought for in these writ petitions is innocuous in nature, where they simply seek for a Mandamus to give a direction to the Central Administrative Tribunal, Chennai Bench to decide the respective O.As on merits for which pleadings have already been completed and part of the arguments also was heard by the Bench, there could be no further impediment for the Tribunal to dispose of the O.As by giving priority of disposal of these O.As in view of the factor that the applicants who had been working in the respondent Department for more than two decades, are presently out of service.

8. In that view of the matter, we are inclined to dispose of these writ petitions with the following order. No costs.

- That there shall be direction to the Central Administrative Bench, Chennai to take up O.A.Nos.1346, 1347 and 1345 of 2019 as well as M.A.Nos.568, 567 and 575 of 2022 by advancing the hearing from April 2024 to March 2024 and decide the same on merits and in accordance with law within a period of 30 days from the date of receipt of a copy of this order.



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- Both sides should render full cooperation to the Tribunal in completing their arguments enabling the Tribunal to dispose of the O.As. as indicated above.

(R.S.K.,J.) (K.B.,J.)
04.03.2024

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KST

Note : Issue order copy on 05.03.2024

To

- 1.Union of India
Indian Council of Medical Research
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R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

KST

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