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W.A.No.3071 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.A.No.3071 of 2024 and

CMP No.23184 of 2024

1. The Chairman
Chennai Port Trust,
No.1, Rajaji Salai, Chennai 600 001.

2. The Secretary,
Chennai Port Trust,
No.1, Rajaji Salai, Chennai 600 001.

... Appellants

Vs.

K.Kumar

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 10.01.2024 passed in W.P.No.2497 of 2020 and consequently, dismiss the said writ petition.

For the Appellants : Mr.Niranjan Rajagopalan



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JUDGMENT

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

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The Chennai Port Trust has filed the instant writ appeal, assailing the order passed by the learned single Judge in W.P.No.2497 of 2020, dated 10.01.2024, in and by which, the appellants were directed to consider the promotion of the respondent herein for the post of Materials Manager in Chennai Port Trust without taking into account the pendency of both criminal prosecution in C.C.No.5 of 2019 on the file of the XIV Additional Special Judge for CBI Cases, Madras and disciplinary proceedings vide No.V4/264/2017/Vig, dated 23.10.2019 as well as the order of suspension dated 17.07.2019 extended for a further period of six months, vide order dated 10.10.2019 and keep the name of the respondent herein in a sealed cover for the above post, if he is otherwise found eligible for such promotion.

2. Learned counsel appearing for the appellants submitted that the respondent, after filing of the instant writ petition in W.P.No.2497 of 2020, has filed another writ petition in W.P.No.11234 of 2022 seeking very same prayer as sought for in the instant W.P.No.2497/2020. He further submitted



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that the issues involved in the present writ appeal was taken into consideration by the learned single Judge in the said W.P.No.11234 of 2022 and vide order dated, 01.08.2022, the said writ petition was came to be dismissed. He also submitted that as no appeal has been preferred, the order dated 01.08.2022 passed in W.P.No.11234 of 2022 reached finality.

3. Learned counsel for the appellants also submitted that, by inadvertently, the said order passed in W.P.No.11234 of 2022, dated 01.08.2022 was not placed before the learned Single Judge in W.P.2497 of 2020 and inview of the same, the present impugned order came to be passed. As such, the present writ appeal has been filed raising all the grounds as stated in the affidavit to set aside the order passed by the writ court in W.P.No.2497 of 2020 dated 10.01.2024.

4. Considering the facts of case, as stated supra, we are of the view that, the instant writ appeal cannot be entertained. However, liberty is granted to the appellants to file a review application before the learned Single Judge, raising all the grounds as stated in the present appeal, within a



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period of two weeks from the date of receipt of a copy of this order. ***If the appellants filed such review application within the said period, the Registry shall number the same, if it is found to be in order, without insisting upon the filing of the petition to condone the delay.***

5. This writ appeal is dismissed accordingly. There shall be no order as to costs. Connected miscellaneous petition is closed.

(D.K.K.J.) (P.B.B.J.)

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Note: Issue order copy of 21.10.2024.

Internet: Yes/No

Index : Yes/No

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