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W.P.Nos.12597 to 12602 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.02.2024

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.P.Nos.12597 to 12602 of 2017 and
W.M.P.Nos.13407 to 13412 of 2017

W.P.No.12597 of 2017:

1.Union of India

Represented by its Secretary (Establishment),
Railway Board, New Delhi.

2.The Director Establishment (N) II,

Railway Board,
Room No.433 A, Rail Bhavan,
Raisina Road, New Delhi – 110 001.

3.The General Manager,

Southern Railway,
Park Town, Chennai – 600 003.

4.The Chief Personal Officer,

Southern Railway,
Park Town, Chennai – 600 003.

5.The Chairman,

Railway Recruitment Board,
Dr. P.V. Cherian Crescent Road,
Egmore, Chennai – 600 008.

... Petitioners

Vs.



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1.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai – 600 104.

2.Govinda Rao Sarakkanam,
Chinnimpeta, Siripuram Post,
Prathipedu (Via),
Yeleswaram Mandal,
East Godavari – 533 432.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the entire records of the 1st respondent in O.A.No.310/01433/2015 including the order dated 3.3.2016 and quash the same.

For Petitioners : Mr.P.T.Ramkumar

For R1 : Tribunal

For R2 : Ms.Y.Kavitha
for M/s.Giridhar and Sai

COMMON ORDER

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

This batch of writ petitions have been directed against the order passed by the Central Administrative Tribunal, Madras Bench made in O.A.Nos.310/01433/2015, 310/01436/2015, 310/01435/2015, 310/01432/2015, 310/01437/2015, 310/01434/2015 respectively dated 03.03.2016.



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2. The issue that was decided by the Tribunal was that, whether the applicants who are the respondents herein admittedly empanelled candidates for the post of Health and Malaria Inspectors under the Railways could be appointed based on the certificates issued by the Institute of Public Health and Hygiene, New Delhi or not.

3. The Tribunal in fact has taken note of the order passed by the Central Administrative Tribunal, Hyderabad in O.A.No.806 of 2013 dated 18.11.2015 where the same issue had been considered and decided.

4. As against the order passed by the CAT, Hyderabad, as referred to above, the Department unsuccessfully filed writ petition and thereafter Special Leave Petition before the Hon'ble Supreme Court, therefore what has been decided by the CAT, Hyderabad dated 18.11.2015 has become final.

5. It is further to be noted that, when similar orders were passed in some other OAs by the very same CAT, Chennai, as against which a writ petition had been filed by the Department of course unsuccessfully in W.P.No.2673 of 2017, where, a Division Bench of this Court by order



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dated 27.06.2018 has confirmed the order passed by the CAT, Chennai.

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6. As against the order passed by the Division Bench dated 27.06.2018, the Department has filed Special Leave to Appeal (C) No.11095/2019 in the matter of ***Union of India and others Vs. Banikara Eswara Rao***, the Hon'ble Supreme Court by order dated 31.10.2023 has held that, there was no ground to interfere with the order passed by the High Court, therefore, accordingly the SLP was dismissed of course leaving the question of law open.

7. Relying upon the said observation made by the Hon'ble Supreme Court that the question of law since has been kept open, that issue can be re-agitated by the Department.

8. Insofar as these original applications are concerned, the applicants were similarly placed that of the other applicants and in those cases what has been decided by the CAT, Hyderabad as well as followed by the CAT, Chennai since has been upheld by the Hon'ble Supreme Court, we do not propose to take any deviation from what has been already decided.



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9. Insofar as the question of law is concerned, that can be decided at an appropriate stage in a later point of time. Therefore, for such reason, we need not be detained to dispose these writ petitions in the line of decision already been made as stated supra.

10. Resultantly, all these writ petitions fail, therefore they are liable to be dismissed, accordingly are dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

[R.S.K., J.] [K.B., J.]

12.02.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

Sgl

To

The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai – 600 104.



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R. SURESH KUMAR, J.

AND

K.KUMARESH BABU, J.

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