

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.25664 of 2023, 27660, 27958, 27960,
29339, 29343 and 30017 of 2024

AND

W.M.P.Nos.25080 of 2023, 31983, 32726,
31987, 30502, 30503 and 30181 of 2024

W.P.No.25664 of 2023

1.The Union of India
Rep. by The General Manager,
Southern Railways, Park Town,
Chennai 600 003.

2.The Chief Personnel Officer
Madurai Division, Southern Railway,
Madurai 625 016

... Petitioners

-VS-

1.The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai.

2. S.Raymond D'Sylva

... Respondents

W.P.No.29339 of 2024

1.The Union of India
Rep. by The General Manager,
Southern Railways, Park Town,
Chennai 600 003.

2.The Divisional Railway Manager
Chennai Division,
Southern Railways, Chennai



3.The Senior Divisional Personnel Officer
Chennai Division Southern Railway Chennai

... Petitioners

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-VS-

B.Ramadoss

... Respondent

W.P.No.29343 of 2024

1.The Union of India
Rep. by The General Manager,
Southern Railways, Park Town,
Chennai 600 003.

2.The Divisional Railway Manager
Chennai Division Southern Railway Chennai

3.The Senior Divisional Personnel Officer
Chennai Division Southern Railway Chennai

... Petitioners

-VS-

M.Kailasam

... Respondent

W.P.No.30017 of 2024

1.The Union of India
Rep. by The General Manager,
Southern Railways, Park Town,
Chennai 600 003.

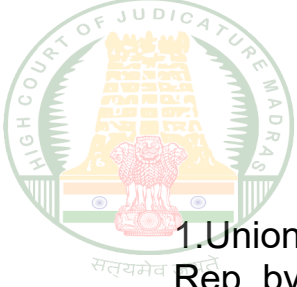
2.The Divisional Railway Manager
Chennai Division Southern Railway Chennai

3.The Senior Divisional Personnel Officer
Chennai Division Southern Railway Chennai

... Petitioners

-VS-

R.Narayanaswamy



... Respondent

W.P.No.27960 of 2024

1.Union of India,
Rep. by its General Manager,
Southern Railways, Park Town,
Chennai-600 003.

2.The Divisional Railway Manager
Chennai Division Southern Railways Chennai

3.The Senior Divisional Personnel Officer
Chennai Division Southern Railway Chennai

... Petitioners

-VS-

V.Ponnurangam

... Respondent

W.P.No.27958 of 2024

1.The Union of India
Rep. by The General Manager,
Southern Railways, Park Town,
Chennai 600 003.

2.The Divisional Railway Manager
Chennai Division Southern Railway Chennai

3.The Senior Divisional Personnel Officer
Chennai Division Southern Railway Chennai

... Petitioners

-VS-

G.Pavadai

... Respondent

W.P.No.27660 of 2024

1.The Union of India
Rep. by The General Manager,
Southern Railways, Park Town,
Chennai 600 003.

2.The Divisional Railway Manager
Chennai Division Southern Railways Chennai

...



3. The Senior Divisional Personnel Officer
Chennai Division Southern Railway Chennai.

... Petitioners

-VS-

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P.Rajendran

... Respondent

Common Prayer: To quash orders of Central Administrative Tribunal dated 03.02.2023, 10.11.2023 in O.A.Nos.1628 of 2023, 1315, 1316, 1317, 1318, 1319 and 1320 of 2019 on the file of the Central Administrative Tribunal, Chennai Bench.

For Petitioners:

Ms.V.Sudha, Sr.Panel Counsel
in W.P.No.25664 of 2023

Mr.K.Srinivasa Murthy. Sr.Panel Counsel
in W.P.Nos.29339, 27958, 27960 &
27660/2024

Mr.J.Vasu, Sr.Panel Counsel
in W.P.No.30017/2024

For Respondents:

Ms.J.Joyce Lydia for R2
R1-Tribunal in W.P.No.25664/2023
No Appearance in W.P.No.29339/2024
Mr.C.Prakasam in W.P.Nos.29343, 30017,
27958, 27960 & 27660/2024

COMMON ORDER

(Order of the Court was made by S.M.Subramaniam J.)

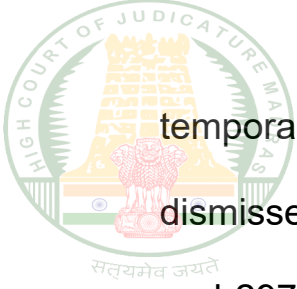
Union of India preferred these writ petitions, challenging the orders passed by Central Administrative Tribunal (CAT), Chennai



Bench. Since the facts involved and issues raised between parties are one and the same, Writ Petitions are taken up together and common order is passed.

2. Respondents herein were initially engaged as Project Casual Labourers during various years commencing from 1972 to 1982. Railways had taken a decision to confer temporary status to these Casual Labourers and consequently, temporary status was granted in the year 1983 in pursuance of the Circular of Ministry of Railways dated 11.09.1986. The Circular was issued in compliance of the orders of Supreme Court in **Union of India vs. K.G.Radhskrisha Panikar**¹. These Casual Labourers, who were conferred temporary status of Casual Labourers, continued in service for long time and therefore, they were absorbed in the permanent Establishment. They served as permanent employees in Railways and retired from service. One Thirunavukkarasu approached Court, claiming conferment of retrospective / temporary status as Casual Labourers along with monetary benefits with arrears. The said Thirunavukkarasu succeeded and relying on the said case, a line of cases were filed by various other retired employees, claiming retrospective conferment of temporary status as Casual Labourers with monetary benefits right from the date of

¹ 1998 SCC (L&S) 1281



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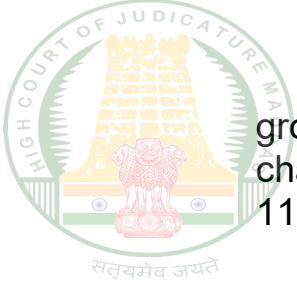
temporary status. CAT in the case of one B.Vadivelu and M.Raju @ Raji dismissed Original Applications² against which both filed W.P.Nos.29791 and 29793 of 2019 before Division Bench of this Court, in which, it was observed by Division Bench on 21.10.2019 that **Thirunavukkarasu's case**³ cannot be followed as a precedent. Paragraph Nos.9 & 10 of the judgment are extracted below:

"9. The learned counsel for the petitioners has placed heavy reliance upon the order dated 14.07.2009 made in WP.No.8972/2006 [S.Thirunavukkarasu Vs. Union of India rep.by its General Manager, Southern Railway and others], which decision was followed by the very same Bench in the subsequent order dated 14.08.2012 made in WP.No.19621/2011 [Kamalakannan and 5 others V. Union of India and Others]. It is pertinent to point out at this juncture that in the order dated 14.07.2009 in WP.No.8972/2006, the Division Bench had issued a positive direction/order in the peculiar facts and circumstances of the case, thereby meant that it cannot be cited as a precedent. It appears that while passing orders in a batch of writ petitions in WP.No.19621/2011, attention of the Division Bench was not invited to paragraph No.9 of the order dated 14.07.2009 in WP.No.8972/2006.

10. It is also to be noted at this juncture that the Circular of the Ministry of Railways dated 11.09.1986 issued in compliance of the order of the Hon'ble Apex Court in K.G.Radhakrishna Panikar's case, has also not been brought to the knowledge of the two Division Benches of this Court. Admittedly, in compliance of the above cited decisions, the Ministry of Railways has issued the above cited Circular dated 11.09.1986 and in compliance of the same, both the writ petitioners herein had been granted temporary status. It is also the Policy Decision taken by the Ministry of Railways in compliance of the decision of the Hon'ble Apex Court and this Court, in exercise of judicial review is having only limited

² OA.Nos.1368 & 1355 of 2016

³ W.P.No.8972 of 2006 (Thirunavukkarasu vs. Union of India) dated 14.07.2009



grounds to test the said Policy Decision and admittedly, no challenge has been made to the said Circular dated 11.09.1986.”

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3. However, in respect of subsequent Original Applications filed before CAT, it was allowed in favour of employees, relying upon **Thirunavukkarasu's case** and thus, Union of India preferred present Writ petitions.

4. Facts are not disputed. All respondents were engaged as Project Casual Labourers and conferred temporary status based on Railway Circular of the year 1986. Subsequently, they were absorbed and retired from service. Question arises whether such Original Applications can be entertained by CAT after prolonged period for grant of monetary benefits with retrospective effect from the date on which these respondents were conferred temporary status. First of all, Original Applications filed belatedly are hit by Limitation as contemplated under Section 21 of Administrative Tribunals Act, 1985. Sub-section 1 to Section 21 reads as under:-

“21. Limitation - (1) A Tribunal shall not admit an application,-

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in



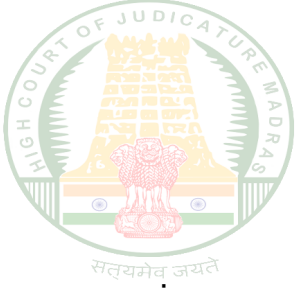
connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

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(b)in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.”

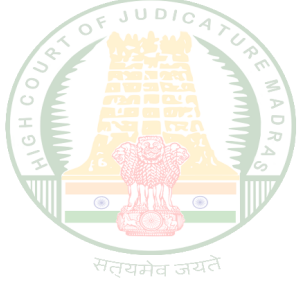
5. Secondly, these Project Casual Labourers were engaged for completion of Railway Project. However, temporary status was conferred to them pursuant to orders of Hon'ble Supreme Court of India. Railways took a decision to permanently absorb these temporary Casual Labourers on compliance of certain conditions and consequently, all these employees were brought under regular Establishment as permanent employees and retired from service. Thus, claim of retrospective monetary benefits from the date of conferment of temporary status is hit by Limitation and to be construed as stale, since they were absorbed as permanent employees and by reckoning their qualifying services, terminal and pensionary benefits were also settled.

6. As far as case of ***Thirunavukkarasu's case*** is concerned, Division Bench in the case of ***Vadivelu (cited supra)*** held that the said case cannot be followed as a precedent in perpetuity.



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7. This Court is of the considered view that applications filed in verge of retirement or after retirement by these employees ought not to have been entertained by CAT, as it is hit by limitation as contemplated under Section 21 of Administrative Tribunals Act, 1985. That apart, Division Bench of this Court held in **Vadivelu's case** that the case of **Thirunavukkarasu** shall not be followed as a precedent. Before passing of impugned orders in the present Writ Petitions by CAT, **Vadivelu's case** itself has been dismissed by CAT and therefore, there is no other changed circumstances for CAT to take a different view and allow Original Applications filed in the year 2019 and 2023. Even if CAT condoned the delay, the said condonation made is running counter to the principles, since such a long delay is to be construed as uncondonable delay. Courts are empowered to condone delay in filing, if such delay is for a reasonable period. If delay is prolonged or enormous, such delay cannot be condoned, as it is uncondonable. Condonation of enormous delay and entertaining Original Applications for grant of monetary benefits would cause prejudice to Exchequer, as the claim is for payment of arrears of monetary benefits in the present case from the date of conferment of temporary status. Retrospective benefit is sought from 30 to 40 years before. Therefore, the claim itself is untenable.



S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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8. In view of the facts and circumstances, Writ Petitions are allowed. Impugned orders passed by CAT in O.A.Nos.1628 of 2023, 1315, 1316, 1317, 1318, 1319 and 1320 of 2019 are set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
23-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To:

The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai.

W.P.Nos.25664 of 2023, 27660, 27958, 27960,
29339, 29343 and 30017 of 2024