

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

OP (CAT).No. 70 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 165/2013 of CENTRAL ADMINISTRATIVE
TRIBUNAL,ERNAKULAM BENCH DATED 11-12-2014
PETITIONER(S)/RESPONDENTS IN THE OA :

1. UNION OF INDIA AGED 29 YEARS
REPRESENTED BY GENERAL MANAGER, SOUTHERN RAILWAY
PARK TOWN P.O., CHENNAI-600 003.

2. DIVISIONAL PERSONNEL OFFICER
SOUTHERN RAILWAY, TRIVANDRUM-695 014.

3. SENIOR DIVISIONAL FINANCE MANAGER
SOUTHERN RAILWAY, THIRUVANANTHAPURAM-695 014.

BY ADV. SRI.TOJAN J.VATHIKULAM,SC,RAILWAYS

RESPONDENT(S)/APPLICANTS IN THE OA :

1. K.DHANANJAYAN
S/O. KARUTHAKAYAN, RETIRED CATERING SUPERVISOR
SOUTHERN RAILWAY, THIRUVANANTHAPURAM
RESIDING AT ROSHNA, RAM TEMPLE LANE, SEA VIEW WARD
BAZAR P.O., ALAPPUZHA-688 012.

2. T.P.ASSAN KOYA
S/O. MOIDEEN, RETIRED CATERING SUPERVISOR
SOUTHERN RAILWAY, TRIVANDRUM, RESIDING AT GOODWILL
P & K SONS, CHELAVOOR P.O., KOZHIKODE-673 571.

3. P.N.KUMARA PILLAI
S/O. NARAYANA PILLAI, RETIRED CATERING SUPERVISOR
SOUTHERN RAILWAY, TRIVANDRUM
RESIDING AT PUTHUPARAMBIL HOUSE, SOUTH KALLARA POST
KOTTAYAM-686 611.

R1-R3 BY ADV. SRI.MARTIN G.THOTTAN

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 11-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE OA 165/2013 ON THE FILES OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

P2 : COPY OF THE REPLY STATEMENT FILED BY THE PETITIONERS HEREIN IN
OA 165/2013 ON THE FILES OF THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH.

P3 : COPY OF THE REJOINDER FILED BY THE APPLICANTS IN OA 165/2013.

P4 : COPY OF THE ADDITIONAL REPLY STATEMENT FILED BY THE RESPONDENTS
IN OA 165/2013

P5 : COPY OF THE ORDER DTD.21.10.2014 IN OA 165/2013 PASSED BY THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

P6 : COPY OF THE ORDER DTD.11.12.2014 IN RA NO.180/00035/2014 IN OA
165/2013 PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM
BENCH.

RESPONDENT(S) ' EXHIBITS NIL

JJ

/TRUE COPY/

P.S.TO JUDGE

K. SURENDRA MOHAN & SHAJI P. CHALY, JJ.

O.P(CAT) NO.70 OF 2015

Dated this the 11th November, 2015.

JUDGMENT

Surendra Mohan, J.

The petitioners, respondents in O.A.165/2013 of the Central Administrative Tribunal, Ernakulam Bench challenge the order of the said Tribunal, Ext.P5 by which the O.A. has been allowed. The petitioners are persons who have retired from the Trivandrum Division of Southern Railway as catering supervisors. They have retired from service on various dates, after having put in varying periods of service. They had filed the O.A before the Central Administrative Tribunal challenging the action of the petitioners herein denying to them revised pension from 1.1.2006 at the rate of 50% of the minimum pay in the pay band plus grade pay corresponding to pre-revised pay scale from which they had retired. The claim of the

respondents was contested by the applicants.

2. After considering the respective contentions, the Tribunal held that the applicants were entitled to succeed in view of the settled position of law laid down by a Full Bench of the Central Administrative Tribunal, Principal Bench in O.A655/2010. The said order of the Full Bench had been challenged before the Supreme Court in a Special Leave Petition No:23055/2013, which was also dismissed. Thereafter, the said dictum has been followed by the Tribunal in its order dated 23.1.2012 in O.A.747/2011. Though the said order had been the subject matter of challenge before this Court in O.P(CAT) 8/2014, the said challenge had also been repelled by this Court.

3. The above being the position, we do not find any infirmity in the order of the Central Administrative Tribunal warranting interference therewith, in exercise of our jurisdiction under Art.227 of the Constitution.

For the above reasons, we find no grounds to admit this

original petition or to grant any of the reliefs sought for. The original petition is dismissed.

Sd/-
K. SURENDRA MOHAN
Judge

Sd/-
SHAJI P.CHALY
Judge

jj

/True copy/

