

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

RP.No. 227 of 2008 (S) IN WP(C).37287/2007

AGAINST THE ORDER/JUDGMENT IN WP(C) 37287/2007 of HIGH COURT OF KERALA
DATED 17-12-2007
REVIEW PETITIONER(S)/(PETITIONERS IN THE WP):

1. UNION OF INDIA
THE GENERAL MANAGER, SOUTHERN RAILWAY, CHENNAI.
2. THE CHIEF PERSONNEL OFFICER,
SOUTHERN RAILWAY, HEADQUARTERS, CHENNAI.
3. THE DIVISIONAL RAILWAY MANAGER,
SOUTHERN RAILWAY, PALAKKAD DIVISION, PALAKKAD.
4. THE SR. DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY, PALAKKAD DIVISION, PALAKKAD.

BY SRI.JAMES KURIAN, SC, RAILWAYS

RESPONDENT(S)/(RESPONDENTS IN WP):

1. K.NANDANAN
STAFF NO.J/T1705, TRAVELLING TICKET EXAMINER
SOUTHERN RAILWAY, CANNANORE RAILWAY STATION
RESIDING AT KANCHANAM, PONNIYAM P.O., THALASSERY
KANNUR.
2. V.R.RAVEENDRAN, S/O. LATE V.VELAYUDHAN
NAIR, STAFF NO.J/T 1594, TRAVELLING TICKET
EXAMINER, SOUTHERN RAILWAY, PALGHAT JUNCTION
RAILWAY STATION, RESIDING AT VALIYA RAKKENCHATH, HOUSE
PERUVEMBA P.O., PALAKKAD.
3. P.MANOJKUMAR,
S/I SRI. T.RAMDAS, STAFF NO.J/C 1020
TRAVELLING TICKET EXAMINER, SLEEPER, CANNANORE
RAILWAY STATION, RESIDING AT PEEDIKKANDI HOUSE
JOSEPH ROAD, CALICUT-32.
4. P.MANIKANDAN, S/O. SRI. P.SREEDHARAN
NAIR, STAFF NO.J/C 1023, TRAVELLING TICKET
EXAMINER, SLEEPER, PALGHAT JUNCTION

RESIDING AT, SREEAISWARYA, KALLEKULANGARA
PALGHAT.

5. J.SIVAKUMAR, S/O. SRI. JAYANANDAN,
STAFF NO.J/C 1034, TRAVELLING TICKET EXAMINER, SLEEPER
PALGHAT RAILWAY STATION, RESIDING AT, ANASWARYAM
ATHIRA NAGAR, PALAKKAD-9.

6. T.VIJAYAN, S/O. N.KRISHNANKUTTY NAIR,
STAFF NO.J/C 1030, TRAVELLING TICKET EXAMINER, PALGHAT
RESIDING AT THOTTEKAT HOUSE, THENUR, PARLI
PALAKKAD.

R2 -R 6 BY ADV. SRI.SAJAN VARGHEESE K.
R2 -R 6 BY ADV. SRI.LIJU. M.P
R BY SHAFIK.M.ABDUL KHADIR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 11-12-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.N. Ravindran &
Babu Mathew P. Joseph, JJ.**

R.P.No.227 of 2008

in

W.P.(C)No.37287 of 2007

Dated this the 11th December, 2015

O R D E R

P.N. Ravindran, J.

The prayer in this review petition is to review and recall the judgment delivered by a Division Bench of this court to which one of us (P.N.Ravindran, J.) was a party, on 17.12.2007 in W.P.(C) No.37287 of 2007. The review petitioners instituted W.P.(C) No.37287 of 2007 in this court challenging Ext.P10 order dated 28.5.2007 passed by the Central Administrative Tribunal, Ernakulam Bench in O.A.No.782 of 2006. A reading of Ext.P10 order discloses that the Central Administrative Tribunal had relied on its earlier decision in O.A.No.601 of 2004 and connected cases which was delivered on 21.11.2005. The order passed by the Central Administrative Tribunal in O.A.No.601 of 2004 and connected cases was the subject matter of challenge in W.P. (C) Nos.7970, 8505, 8822, 13221, 13972 and 20062 of 2006 and 16035, 17786, 26765 and 26818 of 2007. W.P.(C) No.8822 of 2006 was heard and dismissed by a Division Bench of this court by judgment delivered on 24.9.2007. Following that judgment, W.P.(C) No.7970 of 2006 and connected cases were dismissed by the Division Bench by judgment delivered on 24.9.2007. It was relying on the

aforesaid decision of the Division Bench in W.P.(C)No.7970 of 2006 and connected cases that W.P.(C)No.37287 of 2007 was dismissed by a Division Bench of this court by judgment delivered on 17.12.2007.

2. The petitioners in the aforesaid writ petitions had filed separate review petitions seeking review of the judgments in the writ petitions. The judgment dismissing W.P.(C) No.8822 of 2006 was sought to be reviewed by filing R.P.No.167 of 2008. R.P.No.167 of 2008 was heard and allowed by a Division Bench by order passed on 14.11.2008. Consequently, the judgment dismissing W.P.(C) No.7970 of 2006 and connected cases was also reviewed and recalled in R.P.Nos.812, 814, 816, 818, 820 and 1275 of 2008 by order passed on 6.3.2013. The aforesaid writ petitions are even today pending. Such being the situation, we are satisfied that the instant review petition should be allowed and the judgment dismissing W.P.(C) No.37287 of 2007 should be reviewed and recalled.

We accordingly allow the review petition and review and recall the judgment delivered by this court on 17.12.2007 dismissing W.P.(C) No.37287 of 2007. Consequently, W.P.(C) No.37287 of 2007 shall stand restored to file. Registry is directed to post the writ petition for hearing along with W.P.(C) No.7970 of 2006 and connected cases as

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per roster, on 4.1.2016.

(P.N. Ravindran, Judge.)

(Babu Mathew P. Joseph, Judge.)

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