

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 38339 of 2008 (Z)

OA 753/2006 of CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

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PETITIONER(S):

- 1. UNION OF INDIA REPRESENTED BY
THE GENERAL MANAGER, SOUTHERN RAILWAY,
PARK TOWN P.O., CHENNAI-600 003.**
- 2. CHIEF PERSONNEL OFFICER, SOUTHERN
RAILWAY, HEADQUARTERS OFFICE, PARK TOWN POST
CHENNAI-600 003.**
- 3. SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY, PALAKKAD DIVISION, PALAKKAD.**

**BY ADVS.SRI.T.P.M.IBRAHIM KHAN,SR.SC, RAILWAYS
SRI.P.A.AZIZ, SC, RAILWAYS**

RESPONDENT(S):

**N. PALANISWAMY, S/O. NANJAPPA GOUNDER
PLUMBER KHALASI HELPER GR.I, OFFICE OF THE
SECTION ENGINEER/WORKS , SOUTHERN RAILWAY, PODANUR
R/AT8/170, CHIDAMBARANAR STREET, KURUMBUPALAYAM
MADUKKARAI P.O., COIMBATORE DISTRICT.**

**BY ADV. SRI.T.C.GOVINDA SWAMY
BY ADV. SMT.R.R.REJITHA
BY ADV. SRIT.R.MOHANAKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-01-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS:

- P1: TRUE COPY OF O.A.753/06 ALONG WITH ITS ANNEXURE FILED BY THE RESPONDENT/APPLICANT BEFORE THE CAT, ERNAKULAM BENCH**
- P2: TRUE COPY OF THE REPLY STATEMENT FILED BY THE PETITIONERS/RESPONDENT IN OA.753/06 BEFORE THE CAT, ERNAKULAM BENCH**
- P3: TRUE COPY OF THE REJOINDER FILED BY THE RESPONDENT/APPLICANT IN OA.753/06 BEFORE THE CAT, ERNAKULAM BENCH**
- P4: TRUE COPY OF THE AMENDED OA.753/06 ALONG WITH ITS ANNEXURE FILED BY THE RESPONDENT/APPLICANT BEFORE THE CAT, ERNAKULAM BENCH**
- P5: TRUE COPY OF THE ADDL. REPLY STATEMENT FILED IN O.A.753/06 BEFORE THE CAT, ERNAKULAM BENCH.**
- P6: TRUE COPY OF THE ORDER DATED 17.7.07 PASSED BY THE CAT, ERNAKULAM BENCH IN EXT.P1 O.A. NO.753/06**

RESPONDENT'S EXHIBITS: NIL

OKB.

TRUE COPY

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K.HARILAL, JJ.

W.P.(C) No.38339 of 2008

Dated this the 9th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

Heard. The respondent, with the passage of time, would definitely have retired long ago since he appears to have been 57 years old, when he instituted the original application before the Tribunal in November 2006. He was then working as a Plumber Khalasi Helper Grade-I. He was granted a second financial upgradation in the scale of Rs.3050-4590. Later, that was withdrawn. The Tribunal took note of Railway Board circular dated 13/12/2004, which is quoted in the impugned decision of the Tribunal, and held that the respondent's case also falls within those past cases, which are not required to be reopened. The Tribunal, accordingly, quashed the establishment's order dated 23/8/2006, cancelling the second financial upgradation granted to the applicant (respondent herein).

2. Having adverted to the materials on record, we see that the learned Tribunal has considered all the relevant aspects and has correctly interpreted the relevant circular insofar as it

applies to the facts of the case of the applicant (respondent herein). At any rate, we do not see that the visitorial jurisdiction of this Court under Article 227 is to be extended to interfere with the decision of the Tribunal rendered on 17/7/2008, at the instance of the establishment. We may record that in the proceedings here, there was no order of stay granted in favour of the establishment. We record this to clarify that the petitioner establishment shall comply with the directions of the Tribunal, if not already complied. Necessary consequential benefits to the extent it relates to pensionary or other dues eligible to the consequences shall also be released to the respondent. Directing so, this writ petition is dismissed.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K.HARILAL, JUDGE

okb.