

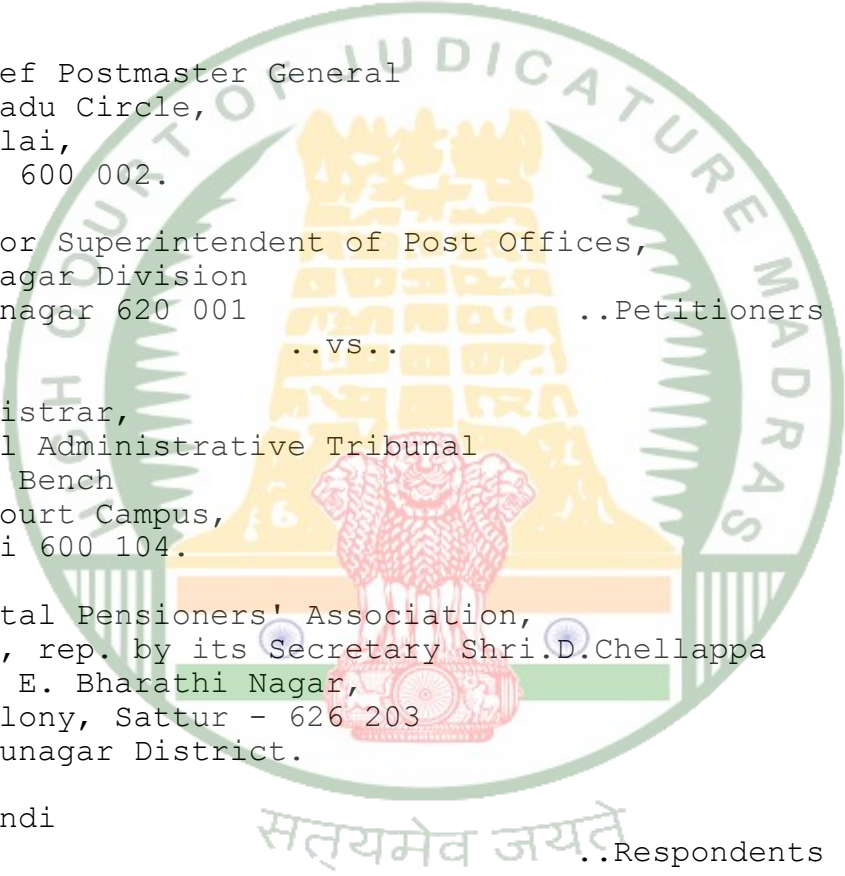
IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2016

Coram

The Honourable Mr.Justice R.SUDHAKAR
and
The Honourable Mr.Justice S.VAIDYANATHAN

W.P.No.19793 of 2015 and
M.P.Nos.1 and 2 of 2015

- 
1. The Chief Postmaster General
Tamil Nadu Circle,
Anna Salai,
Chennai 600 002.
 - 2 The Senior Superintendent of Post Offices,
Virudhunagar Division
Virudhunagar 620 001 ..Petitioners
..VS..
 1. The Registrar,
Central Administrative Tribunal
Madras Bench
High Court Campus,
Chennai 600 104.
 2. The Postal Pensioners' Association,
Sattur, rep. by its Secretary Shri.D.Chellappa
4/251, E. Bharathi Nagar,
NGO Colony, Sattur - 626 203
Virudhunagar District.
 3. K.Irulandi
..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of certiorari to call for the records from the file of the 1st respondent made in O.A.No.1315 of 2012 dated 10.06.2014 and quash the same.

For Petitioner : Mr.Su.Srinivasan
Additional Solicitor General of
India

For Respondents: Mr.R.Ratna Thara (R2&3)

O R D E R

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

This writ petition is filed by the Postal Department, challenging the order of the Central Administrative Tribunal (hereinafter referred to as "the Tribunal") dated 10.06.2014 passed in O.A.No.1315 of 2012.

2. The case of the petitioners/Postal Department is that the 2nd and 3rd respondents approached the Tribunal by filing O.A.No.1315 of 2012 to direct the petitioners to revise the pension of the members of the Association as per the judgment of Full Bench of the Tribunal in O.A.No.655 of 2010 (batch) dated 01.11.2011 and without reference to the OM dated 03.10.2008 by computing the minimum guaranteed pension with reference to the pay which they have drawn in the revised Pay bands corresponding to the pay which they were drawing prior to 01.01.2006 and grant them all consequential benefits including payment of arrears. The ground taken before the Tribunal was that though the OM dated 03.10.2008 was quashed by the Full Bench in O.A.No.655 of 2010 dated 01.11.2011, with direction to revise the pension of all pre-2006 retirees with effect from 01.01.2006 and pay them arrears, their pension was not revised, even though all the members of the association are pre 2006 retirees. The stand taken by the Union was that the Full Bench decision will be made applicable only to the persons who were parties to the said OAs and as such the applicants therein are not entitled to the relief. The Tribunal, after hearing the learned counsel on either side, allowed the said original application by holding that the decision rendered by the Full Bench of the Principal Bench is judgment is rem and the same is applicable to all pre 2006 retirees even if they were not applicants in the cases those were decided by the Full Bench. Aggrieved over the same, this present writ petition is filed.

3. When the writ petition came up for hearing on 06.07.2015, this Court, while admitting the writ petition has granted an order of interim stay. The 3rd respondent/applicant K.Irulandi has filed a miscellaneous petition to vacate the said interim order.

4. Today, when the matter is taken up for hearing, the learned Assistant Solicitor General appearing for the petitioners/Postal Department by drawing the attention of this Court to paragraph 11 of the affidavit filed in support of the writ petition, which reads as follows:-

"11. It is respectfully submitted that however, the 2nd respondent approached the 1st respondent seeking pension on the basis of the decision rendered by the Full Bench of the Central Administrative Tribunal in O.A.No.655 of 2010 (Batch) dated 01.11.2011. The 1st respondent relying on the aforesaid decision had allowed the application and directed the petitioners to refix the pension of the members of the 2nd respondent with effect from 01.01.2006 based on the resolution dated 29.08.2008 and pay them the arrears consequent upon such refixation of pension within a period of 90 days from the receipt of the order. Since the aforesaid order is against the policy decision of the authorities, the instant writ petition".

would submit that the decision of the Full Bench of the Tribunal in O.A.No.655 of 2010 (Batch) dated 01.11.2011 has been accepted by the authorities in O.M.No.38/37/08 P & PW (A), Government of India, Ministry of Personnel, PG & Pensions, Department of Pension & Pensioners' Welfare dated 30.07.2015. The attention of this Court has also been drawn to the Office Memorandum in CPAO/IT & Tech/Revision Pre-2006/2015-16/1733 dated 21.01.2016, wherein an advise was given to all the Heads of CPPCs & Government Account Departments of all the Banks to clear the pendency of arrear payments pertaining to revision authorities issued by CPAO upto 31.12.2015.

5. In view of the above, nothing survives for consideration in this writ petition and hence, the same is closed, however with a direction to the authorities concerned to comply with the O.Ms referred to above. No costs. Connected miscellaneous petitions are also closed.

-s/d-
सत्यमेव जयते
Assistant Registrar

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Sub-Assistant Registrar

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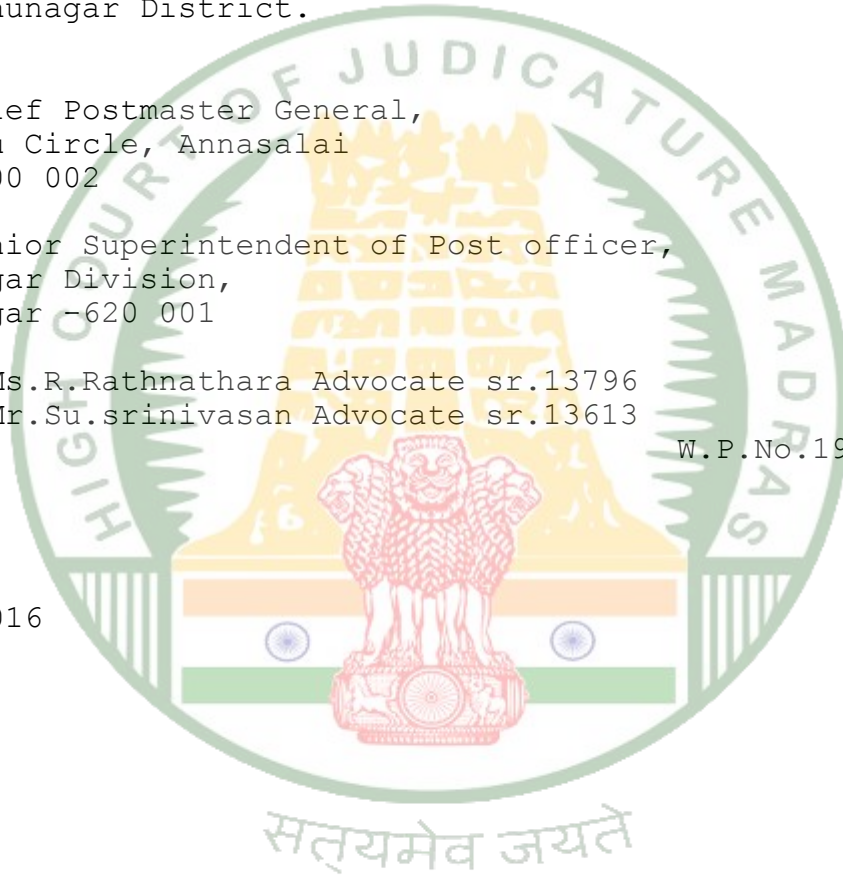
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4. The Senior Superintendent of Post officer,
Virudhanagar Division,
Virudhunagar -620 001

+1 cc to Ms.R.Rathnathara Advocate sr.13796
+1 cc to Mr.Su.srinivasan Advocate sr.13613

W.P.No.19793 of 2015

msm(co)
aa15/03/2016



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