

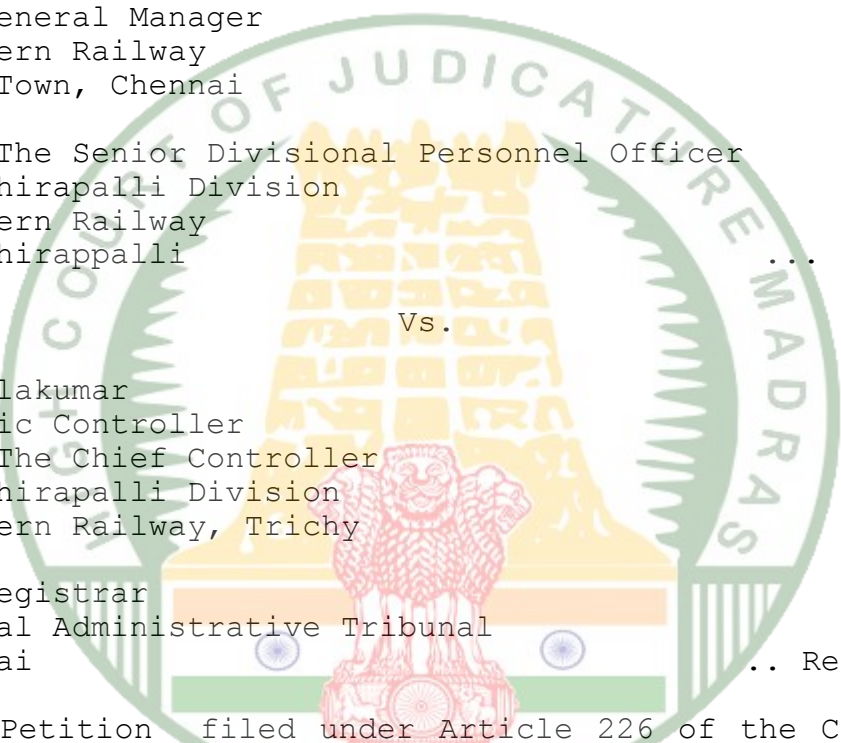
IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23-08-2016

CORAM :

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR. JUSTICE P.KALAIYARASAN

W.P.No.19037 of 2016

- 
- 1 The General Manager
Southern Railway
Park Town, Chennai
- 2 The Senior Divisional Personnel Officer
Tiruchirapalli Division
Southern Railway
Tiruchirappalli ... Petitioners
- Vs.
1. R. Balakumar
Traffic Controller
O/o. The Chief Controller
Tiruchirapalli Division
Southern Railway, Trichy
2. The Registrar
Central Administrative Tribunal
Chennai .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records relating to the order dated 28-01-2016 made in O.A.No.310/01677/2014 on the file of the Registrar, Central Administrative Tribunal, Madras Bench, Chennai and quash the same.

For Petitioner : Mr.V. Bhavani Subbaroyan
For Respondents : Mr.R. Pandian for R1
R2 - Tribunal

ORDER

(Order of the Court was made by A.SELVAM, J.)

This writ petition has been filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari calling for the records relating to the order dated 28-01-2016 made in O.A.No.310/01677/2014 on the file of the Registrar, Central Administrative Tribunal, Madras Bench.

2. The first respondent as applicant has filed O.A.No.310/01677/2014 on the file of the Central Administrative Tribunal wherein the present petitioners have been shown as respondents. It is averred in the petition that the petitioner has served as Station Master in Pay Band-2 with Grade Pay Rs.4200/- substantively, and he has been subjected to a departmental selection for promotion as Traffic Controller. The applicant has completed his successful career in the said post. But the respondents have failed to fix his pay in terms of Rule 1313 (FR22)(I)(a)(1) of the Indian Railway Establishment Code. Further, an absorption in the post of Section Controller has been done in pursuance of positive act of selection. The applicant has sent a representation to the second respondent on 06-01-2014 for fixing his pay on promotion in terms of Railway Board's latest order permitting fixation of higher pay when promoted to hold higher responsibility. But the same has not been considered. Under the said circumstances, the present Original Application has been filed.

3. The Central Administrative Tribunal, after considering the contentions put forth on either side has allowed O.A.No.310/01677/2014 by way of passing the impugned order and the same is being challenged in the present writ petition.

4. The learned counsel appearing for the appellants has fairly conceded that similar question has been considered by the Honourable Supreme Court. In view of the decision of the Honourable Supreme Court, various writ petitions have been disposed of and in the light of the disposal made earlier, this writ petition can also be disposed of.

5. It is an admitted fact that W.P.No.942 of 2016 has been filed on the file of this Court in respect of similar matter and this Court, after considering the order passed by the Honourable Supreme Court and also subsequent orders passed by this Court, has dismissed the said writ petition. Since the question involved has already been settled by the Honourable Supreme Court and since so many writ petitions have been dismissed, this writ petition is also liable to be dismissed.

In fine, this writ petition is dismissed without costs and the order dated 28-01-2016 passed in O.A.No.310/01677/2014 by the Central Administrative Tribunal is confirmed. The connected W.M.P.No.16586 of 2016 is also dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

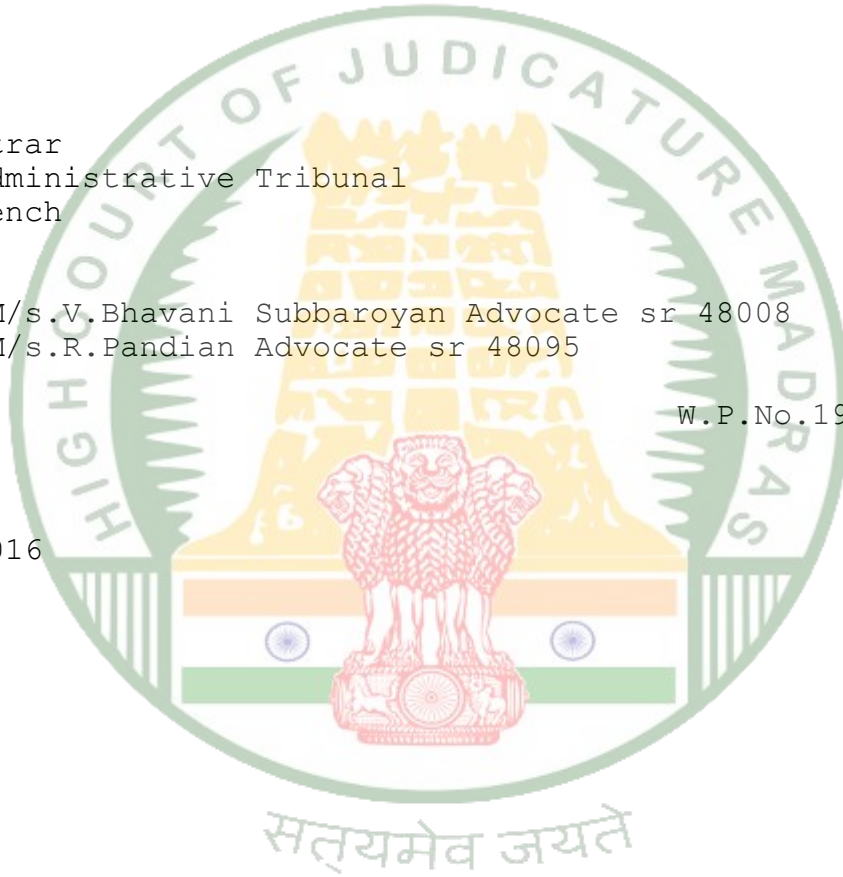
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To
The Registrar
Central Administrative Tribunal
Madras Bench
Chennai

+1 cc to M/s.V.Bhavani Subbaroyan Advocate sr 48008
+1 cc to M/s.R.Pandian Advocate sr 48095

W.P.No.19037 of 2016

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