

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

Writ Petn.No.238 of 2016
and WMP No.138 of 2016

1. Union of India,
Rep. by The General Manager,
Southern Railway,
Park Town, Chennai - 600 003.

2. The Divisional Railway Manager,
Tiruchirappalli Division,
Southern Railway, Tiruchirappalli.

2. The Senior Divisional Personnel Officer,
Tiruchirappalli Division,
Southern Railway, Tiruchirappalli ..Petitioners

vs.

1. K.Sundararajaperumal,
Chief Controller,
Office of the Chief Controller,
Tiruchirappalli Division, Southern Railway,
Tiruchirappalli.

2.The Registrar,
Central Administrative Tribunal,
Chennai. ..Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorari, calling for the records on the file of the 2nd respondent in O.A.No.310/01899/2014 dated 02.09.2015 and quash the same.

For Petitioners : Ms.V.Bhavani Subbaroyan
For Respondents : Mr.L.P.Maurya (for R1)

ORDER

(Order of the Court was delivered by S.MANIKUMAR, J)

This writ petition has been filed challenging the order of the Central Administrative Tribunal, Madras Bench, dated 02.09.2015, made in O.A.No.310/01899/2014.

2. The first respondent herein, has filed O.A.No.310/01899/2014, on the file of the Central Administrative Tribunal, Madras Bench, praying for a direction against the petitioners herein for re-fixation of his pay from the date of his promotion.

3. The Central Administrative Tribunal, Madras Bench, after considering the order passed earlier in similar Original Application, has allowed O.A.No.310/01899/2014 by way of order impugned herein and the same is being challenged in the present writ petition.

4. The learned counsel appearing for the petitioners (respondents in original application) has conceded to the effect that similar issue has already been decided in the previous proceedings and even in W.P.No.2748 of 2016, a Division Bench of this Court, has accepted the view taken by the Central Administrative Tribunal, Madras Bench and therefore, the present writ petition is liable to be disposed of.

5. It is seen from the records that the first respondent/applicant has filed Original Application No.310/01899/2014, on the file of the Central Administrative Tribunal, Madras Bench, with a specific prayer to give necessary direction to the petitioners/respondents for re-fixation of his pay from the date of his promotion. The Central Administrative Tribunal has allowed the Original Application No.310/01899/2014 .

6. As rightly pointed out on the side of the petitioners/respondents, similar issue has been dealt with in W.P.No.2748 of 2016, whereby, a Division Bench of this Court has confirmed the order passed by the Central Administrative Tribunal. Therefore, it is quite clear that the first respondent/applicant is entitled to get re-fixation of his pay from the date of his promotion. Under the said circumstances, this writ petition is totally unwarranted and the same is liable to be dismissed.

In the result, this writ petition is dismissed without cost. The order passed in O.A.No.310/01899/2014, by the Central Administrative Tribunal, Madras Bench, is confirmed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

The Registrar,
The Central Administrative Tribunal,
Madras Bench,
Chennai-600 104

+ 1 cc to M/s. V. Bhavani, Advocate Sr.52035

W.P.No.238 of 2016

RP(CO)
Eu 19.09.16



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