

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2016

CORAM :

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

W.P.No.942 of 2016
&
W.M.P.No.708 of 2016

1. Union of India
Rep. by The General Manager
Southern Railway
Park Town, Chennai.
2. The Divisional Railway Manager
Salem Division
Southern Railway
Salem.
3. The Senior Divisional Personnel Officer
Madurai Division
Southern Railway
Madurai.
4. The Senior Divisional Personnel Officer
Salem Division
Southern Railway
Salem.

... Petitioners

Vs.

1. P.Pachaiyappan
2. The Registrar
Central Administrative Tribunal
Madras Bench.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records on the file of the 2nd Respondent in O.A.No.1818/2014 dated 2.9.2015 and quash the same.

For Petitioners : Mrs.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 directed against the order dated 2.9.2015 passed in O.A.No.310/01818/2014 by the Central Administrative Tribunal, Madras Bench.

2. The first respondent herein, as applicant, has filed Original Application No.310/01818/2014 on the file of the Central Administrative Tribunal, Madras Bench, under section 19 of the Administrative Tribunals Act, 1985, whereby it is prayed to set aside the impugned order dated 6.10.2014 and also prayed to refix the pay of the applicant in the higher post from 22.12.2000.

3. The Central Administrative Tribunal, Madras Bench, after considering the rival contentions put forth on either side, has allowed the Original Application and thereby granted the reliefs sought therein by way of passing the impugned order. The impugned order passed by the Central Administrative Tribunal, Madras Bench, is being challenged in the present writ petition.

4. The learned counsel appearing for the writ petitioners/respondents has fairly conceded that a similar issue has gone to the Hon'ble Supreme Court. The Hon'ble Supreme Court has confirmed the refixation in a case like this.

5. In fact, this Court has perused the entire order passed by the Central Administrative Tribunal, Madras Bench, wherein at paragraph No.5, it is observed that a similar order has been upheld by the Hon'ble High Court in W.P.No.30151 of 2007 dated 25.2.2010 and confirmed by the Apex court in SLP (Civil) 12847 of 2010 on 30.8.2010. Therefore, it is made clear that a similar issue has been agitated before the Hon'ble Supreme Court and the Hon'ble Supreme Court has confirmed the order of refixation passed by this Court.

6. Since the similar order has already been settled by the Hon'ble Supreme Court, this Court is of the view that the relief sought in the present writ petition cannot be granted and therefore, the same is liable to be dismissed.

In fine, this Writ Petition is dismissed without cost. The order dated 2.9.2015 passed in O.A.No.310/01818/2014 by the Central Administrative Tribunal, Madras Bench is confirmed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ajr

To

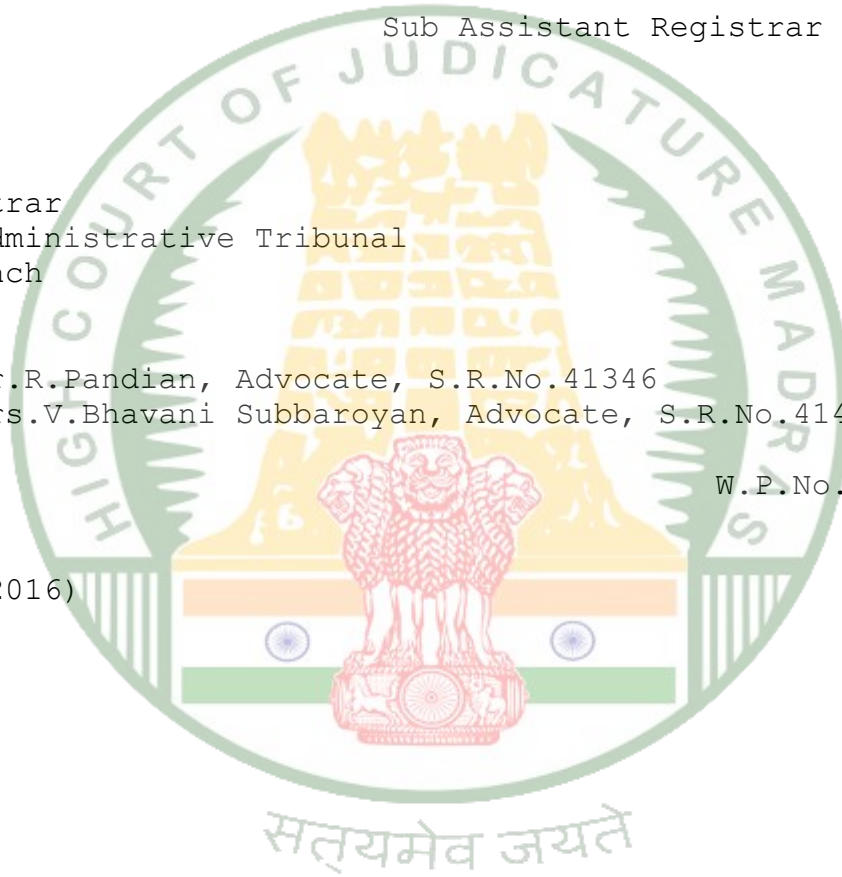
The Registrar
Central Administrative Tribunal
Madras Bench

+1cc to Mr.R.Pandian, Advocate, S.R.No.41346

+1cc to Mrs.V.Bhavani Subbaroyan, Advocate, S.R.No.41464

W.P.No.942 of 2016

AK(CO)
CA(04/08/2016)



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