

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.21251 of 2016

Date: 15.07.2016

Between:

Union of India
rep. by its General Manager
South East Central Railway
Bilaspur, Chattisgarh and 3 others

..Petitioners

and

B.H.Srirama Murthy and another

..Respondents

**Counsel for the petitioners: Mrs.Pushpinder
Kaur**

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The Union of India and other functionaries of South East Central Railway filed this Writ Petition feeling aggrieved by Order, dated 16-08-2012, in OA.No.341 of 2011 on the file of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad.

The subject matter of the dispute pertains to entitlement of respondent No.1 for the add on element of 55% in fixing retiral benefits from the date of his retirement in terms of judgment, dated 02-01-2007, in OA.No.1273 of 2005 and also in terms of judgment, dated 05-06-2007, in OA.No.396 of 2006 of the Principal Bench of the Central Administrative Tribunal, New Delhi.

The OA filed by respondent No.1 was disposed of by Order, dated 16-08-2012, following the afore-mentioned two judgments. Nearly four years thereafter, the present Writ Petition is filed.

At the hearing, Smt.Pushpinder Kaur, learned Counsel for the petitioners, submitted that the judgment of the Principal Bench of the Central Administrative Tribunal, which was confirmed by the Delhi High Court in its Order, dated 09.10.2015, in W.P.(C) 2937 of 2007, was questioned by way of a Special Leave Petition and that the Hon'ble Supreme Court, by its Order, dated 18-03-2016, while condoning the delay, granted leave and also stay of operation of the judgment of the Delhi High Court.

The learned Counsel has, accordingly, stated that in view of the said order, the petitioners are constrained to file this Writ Petition after nearly four years of disposal of the OA.

In our opinion, even if the judgment of the Delhi High Court was stayed, the same will operate between the parties to the said litigation and the principle laid down therein will continue to remain in force. Moreover, it is an admitted fact that several judgments such as those rendered thereafter by the Madras Bench and the Principal Bench of the Central Administrative Tribunal and referred to and relied upon by the Tribunal in the impugned order are also in force. In these facts and circumstances of the case, we are not inclined to entertain this Writ Petition for adjudication on merits

Accordingly, the Writ Petition is disposed of, however, making it clear that implementation of the impugned order shall be subject to the result of the judgment of the Hon'ble Supreme Court in the Civil Appeal arising out of Order, dated 09-10-2015, in WPC.No.2937 of 2007.

As a sequel to disposal of the Writ Petition,
WPMP.No.26067 of 2016, filed by the petitioners for
interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 15th July, 2016
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