

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.63 of 2017, 32086 to 32090, 31073 of 2016, 35387 to 35390 of 2013 &
25861 of 2013

1. Union of India rep.by
the Chief Post Master General
Tamil Nadu Circle
Anna Road
Chennai 600 002

2. The Chief Postmaster
Chennai GPO
Chennai 600 001

3. The Senior Superintendent of Post Offices
Tambaram Division
Tambaram
Chennai 600 045

.. Petitioners in WP No.63 of 2017

1. Union of India
rep by the Director General
Department of Posts
Dak Bhavan
New Delhi 110 001

2. The Post Master General
Southern Region
Madurai 625 002

3. The General Manager
Postal Accounts & Finance
Ethiraj Salai, Chennai 600 008

4. The Senior Superintendent of Post Offices
Madurai Postal Division
Madurai 625 002

.. Petitioners in WP Nos.32086-90 of 2016

1. Union of India rep.by
The Chief Post Master General
Tamil Nadu Circle
Anna Salai
Chennai 600 002

2. The Post Master General
Chennai City Region
Chennai

3. The Superintendent of Post Offices
Chengalpattu Division
Chengalpattu .. Petitioners in WP No.31073 of 2016

1. Union of India
rep by its Director General (Posts)
Dak Bhavan, New Delhi

2. The Post Master General
Southern Region
Madurai, Tamil Nadu .. Petitioners 1 & 2 in WP Nos.35387-90
of 2013

3. The Senior Superintendent of Post Office
Kanyakumari Division
Nagercoil 629 001 .. 3rd Petitioner in WP Nos.35387-89
of 2013

4. The Superintendent of Post Office
Virudhunagar Division
Virudhunagar 626 001 .. 3rd Petitioner in WP No.35390 of 2013

1. Union of India
rep by its Director General (Posts)
Dak Bhavan, New Delhi

2. The Post Master General
Southern Region
Madurai, Tamil Nadu

3. The Superintendent of Post Office
Palayamkottai, Tirunelveli District
Tirunelveli 627 002 .. Petitioners in WP No.25861 of 2013

-VS-

1. The Registrar
Central Administrative Tribunal
Chennai .. 1st Respondent in WP No.63 of 2017
2. M.Vijayabaskar .. 2nd Respondent in WP No.63 of 2017
1. S.Sivagurunathan .. 1st Respondent in WP No.32086 of 2016
2. K.Kannan .. 1st Respondent in WP No.32087 of 2016
3. K.Ashok Kumar .. 1st Respondent in WP No.32088 of 2016
4. P.Jothimani .. 1st Respondent in WP No.32089 of 2016
5. C.Jaiganesh .. 1st Respondent in WP No.32090 of 2016
6. Central Administrative Tribunal
rep by its Registrar
Madras Bench
Chennai 600 104 .. 2nd Respondent in WP Nos.32086-90
of 2016
1. G.Narayanasamy
2. P.Sekar
3. P.Moorthy
4. Central Administrative Tribunal
rep.by its Registrar
Madras Bench
Chennai 600 104 .. Respondents in WP No.31073 of 2016
1. The Registrar
Central Administrative Tribunal
Chennai Bench
Chennai 600 104 .. 1st Respondent in WP Nos.35387-90
of 2013
2. P.Josh .. 2nd Respondent in WP No.35387 of 2013
3. K.R.Lakshmi .. 2nd Respondent in WP No.35388 of 2013
4. S.Richard .. 2nd Respondent in WP No.35389 of 2013
5. U.Rajavanitha .. 2nd Respondent in WP No.35390 of 2013
1. C.Muthusamy .. 1st Respondent in WP No.25861 of 2013
2. The Registrar
Central Administrative Tribunal
Chennai bench
Chennai 600 104 .. 2nd Respondent in WP No.25861 of 2013

W.P.No.63 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records from the file of the first respondent made in O.A.No.489 of 2015 dated 29.01.2016 and quash the same.

W.P.Nos.32086 to 32090 of 2016 are filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of second respondent in common order dated 01.05.2015 made in O.A.Nos.757, 834, 908, 925, 978 of 2013 and quash the same.

W.P.No.31073 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of the fourth respondent dated 21.01.2016 made in O.A.No.310/00667/2015 and quash the same.

W.P.Nos.35387 to 35390 of 2013 are filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the order dated 12.04.2013 made in O.A.Nos.1513, 1512, 1514, 1511 of 2011 on the file of the first respondent herein and quash the same.

W.P.No.25861 of 2013 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the order dated 28.02.2013 made in O.A.No.1239 of 2011 on the file of the second respondent herein and quash the same.

For Petitioners

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Mr.Su.Srinivasan

Assistant Solicitor General of India
in W.P.No.63 of 2017

Mr.V.P.Sengottuvel

Senior Central Government
Standing Counsel in W.P.Nos.32086
to 32090 & 31073 of 2016

Mr.V.Veeramani

Central Government Standing Counsel
in W.P.Nos.35387 to 35390 &
25861 of 2013

For Respondents

::

Mr.P.Rajendran for R2
in W.P.No.63 of 2017

Mr.M.S.Velusamy for R1

in W.P.Nos.32086-90 of 2016

Mr.R.Malaichamy for R1 to R3
in W.P.No.31073 of 2016

Mr.V.Stalin for M/s Row & Reddy

for R2 in W.P.Nos.35387-90 of 2013
Mr.A.Esakkiappan for R1
in W.P.No.25861 of 2013
R1/R2-Tribunal

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

These writ petitions have been filed by the Union of India represented by the Chief Post Master General, Tamil Nadu Circle/Department of Posts challenging the orders passed by the Central Administrative Tribunal, Madras Bench in the respective Original Applications.

2. Heard the learned counsel for the parties.

3. The contention made on behalf of the petitioners is that the Tribunal has erroneously directed the petitioner-Department to re-fix the pay of the contesting respondent(s) in the basic pay of Rs.6460/- and Grade Pay of Rs.2000/- with effect from 1.1.2006 with all consequential benefits, even though their pay was fixed in accordance with Section-I of Part-A of the First Schedule of the Central Civil Services (Revised Pay) Rules, 2008 by multiplying the basic pay drawn by them as on 1.1.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10, without considering the fact that they went on transfer from one division to another division and were also placed in the bottom of the seniority list and that the Department is required to step up the pay of the seniors only in respect of a junior drawing more pay than the

seniors belonging to the same seniority/gradation list.

4. The contention made on behalf of the respective contesting respondent(s) is that the orders passed by the Tribunal need no interference, as the Tribunal has correctly directed the Department to re-fix the pay based on the VI Pay Commission recommendations.

5. Admittedly, the issue raised in these writ petitions relates to pay anomaly consequent upon the recommendations of the VI Central Pay Commission with effect from 1.1.2006. On perusal of the orders passed by the Tribunal, we find that the Tribunal has mechanically directed the Department to fix the pay of the contesting respondent(s) herein based on its earlier orders without going into the facts and circumstances of each case with regard to the seniority or otherwise. Hence the matters are remanded back to the Tribunal for re-consideration of the grievance on pay anomaly by looking into the facts and circumstances of each case. All the contentions are left open to be urged by the parties before the Tribunal to set right the anomaly as well to uphold the principle of seniority to be maintained and that the pay scale of the seniors has to be re-fixed than that of the juniors and thereafter, the Tribunal shall pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above observation, the writ petitions are disposed of

accordingly. Consequently, W.M.P.Nos.78 of 2017, 27826, 27828, 27830, 27832, 27834 & 26941 of 2016 are closed. No costs.

Index : yes/no

(H.G.R.,J.) (T.K.R.,J.)
29.08.2017

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To

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Central Administrative Tribunal
Madras Bench
Chennai 600 104

02. The Chief Post Master General
Tamil Nadu Circle
Anna Road
Chennai 600 002

03. The Chief Postmaster
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04. The Senior Superintendent of Post Offices
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Tirunelveli 627 002



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RMT.TEEKAA RAMAN, J.

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W.P.Nos.63 of 2017 etc.,batch

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