

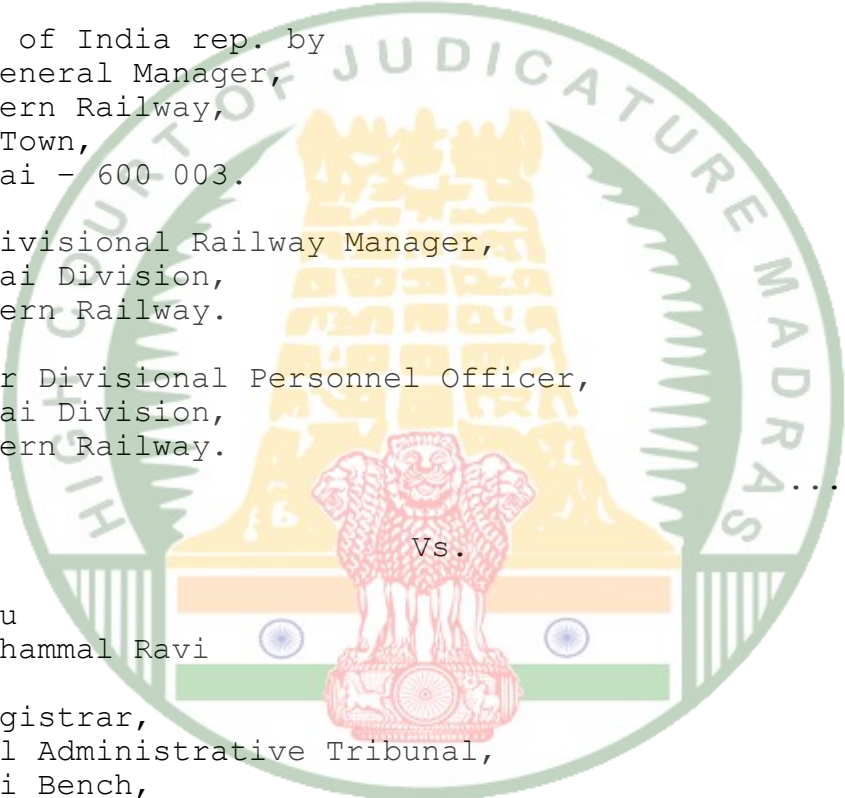
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.8957 of 2017 and
W.M.P.No.9865 of 2017

- 
1. Union of India rep. by
The General Manager,
Southern Railway,
Park Town,
Chennai - 600 003.
2. The Divisional Railway Manager,
Madurai Division,
Southern Railway.
3. Senior Divisional Personnel Officer,
Madurai Division,
Southern Railway.
-Petitioners
- Vs.
1. S. Babu
2. R.Kanthammal Ravi
3. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records of the Second Respondent pertaining to the order dated 08.07.2016 in OA No.1398/2012 and quash the same.

For Petitioners : Mr.S.M.Deenadayalan

O R D E R

K.K.SASIDHARAN, J.

This writ petition is directed against the order, dated 8 July, 2016 in O.A.No.1398 of 2012, whereby and where under, the Madras Bench of the Central Administrative Tribunal, passed a consent order, recording the consent given by the learned counsel appearing on behalf of the Southern Railway.

2. Heard the learned counsel for the petitioners.

3. The respondents 1 and 2 filed original application before the Madras Bench of the Central Administrative Tribunal, challenging the order, dated 19 October, 2012 re-fixing the pay scale retrospectively and recovery of the excess pay.

4. Before the Tribunal, the learned counsel for the Southern Railway made a consent, resulting in passing an order by the Tribunal setting aside the direction to recover the excess pay. The consent given by the learned counsel for the Railways was indicated by the Tribunal in the order, which reads thus:-

" 5.Hence both sides are having no objection for passing orders to the effect that recovery shall not be effected with regard to excess paid to the applicants. However there is no dispute about the re-fixation of their pay."

5. The petitioners have now come up with this writ petition on the ground that no such consent was given by the learned counsel for the Southern Railway before the Tribunal.

6. In case, it is the case of the petitioners that without their consent, the Tribunal passed an order indicating that it was a consent order, the petitioners ought to have filed a review petition before the Tribunal. However, for the reasons best known, the petitioners have not taken any such steps. It is also a matter of record that the learned counsel who appeared on behalf of the Southern Railway before the Tribunal has not filed any affidavit before us indicating that he has not given consent.

7. The order in question was passed on 8 July 2016. The petitioners have come up with this writ petition, after a period of about eight months contending that no such consent was given. We are therefore of the view that there is absolutely no merits in the contention taken by the petitioners.

8. In the up shot, we dismiss the writ petition. No costs.
Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

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

+1 CC to Mr.S.M. Deenadayalan, Advocate sr 22350

W.P.No.8957 of 2017

SVI (CO)
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