

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.08.2017

PRONOUNCED ON : 23.11.2017

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

and

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.M.P.No.23487 of 2017

in

W.P.SR.No.81254 of 2014

1. G.Somasundaram
2. S.Dakshinamurthy
3. R.Natarajan
4. P.Krishnan
5. K.Vediappan
6. M.Kalaiselvan
7. M.Johnpetter
8. C.Ramalingam
9. K.Babu
10. C.Wallace Stanley Fredric
11. K.Ganesan
12. A.Karuppiah
13. A.Sebastin
14. P.Ramalingan
15. N.Thiruganasambandam

... Petitioners

.. Vs ..

1. Union of India, rep. by
The Chairman, Railway Board,
Railway Bhavan,
New Delhi - 110 001.

2. The Chief Personal Officer,
Southern Railway,
Park Town, Chennai - 600 003.
 3. The Divisional Personal Officer,
Divisional Railway Manager Complex,
Southern Railway,
Trichy.
 4. The Registrar,
Hon'ble Central Administrative Tribunal,
Chennai Bench,
High Court Complex, Chennai.
- ... Respondents

Prayer : Petition filed under Rule 2B of Appendix V of A.S. Rules, to permit the petitioners to join together and file a single writ petition.

For Petitioners : Mr.Menon Karthik

ORDER

(Order of the Court was made by RMT. TEEKAA RAMAN,J.,)

The above miscellaneous petition is filed by the petitioners seeking to permit them to join together and file a single writ petition.

2. The petitioners herein have filed an application in O.A.No.1512 of 2013 before the Central Administrative Tribunal,

Madras Bench, seeking to set aside the Order Nos.1) T/P/407/IX/S&T/Admn dated 21.09.2011 and 2) T/P/407/IX/S&T/Admn dated 27.12.2011 issued by the third respondent and consequently, direct the respondents to extend the benefit of the judgment of the High Court of Madras dated 11.10.2007 made in W.P.No.2554 of 2002 and W.P.No.1351 of 2004 to the applicants/petitioners herein and treat them also as Open Line Casual Labourers and consequently, grant them all the benefits available to Open Line Casual Labourers. The said original application was dismissed by the Central Administrative Tribunal, Madras Bench. As against the said order of dismissal, the above writ petition in W.P.SR.No.81254 of 2014 is filed by the petitioners and all the petitioners have filed this miscellaneous petition seeking to permit them to join together and file a single writ petition.

3. Heard the learned counsel appearing for the petitioners and perused the affidavit filed in support of this petition.

4. Considering the fact that all the petitioners herein seek the benefit of judgment of the Central Administrative Tribunal,

Ernakulam Bench, made in O.A.No.849 of 1990 decided on 27.01.1992 and also the fact that the present claim has been made by the present petitioners after a period of 30 years, we are inclined to hear the learned counsel for the petitioners on merits, since all the petitioners were retired from service more than 15 years ago. In respect of the prayer in the main O.A. for extending the benefit as granted in O.A.No.849 of 1990 by the Central Administrative Tribunal, Ernakulam Bench, the very same point was agitated before the Central Administrative Tribunal, Madras Bench, in O.A.No.1449 of 2002 to extend the similar benefits given in the Signal and Telecommunications Engineering Department [Construction Department] and the same was dismissed by the Central Administrative Tribunal, Madras Bench, as early as in the year 2007 on the ground of delay and laches and it has been observed that the similarly placed persons of Signal and Telecommunications Engineering Department have already availed the benefit of the scheme formulated as approved by the Supreme Court of India in ***Inder Pal Yadav and others Vs. Union of India [1985 SCC [L&S] 526]***.

5. By the impugned order, the Central Administrative Tribunal, Madras Bench, has considered that not only the O.A.No.1449 of 2002 was dismissed on the above said ground but also the similar O.As. filed for extension of the very same benefit of the judgment in O.A.No.849 of 1990 of the Central Administrative Tribunal, Eranakulam Bench, was also dismissed by the Central Administrative Tribunal, Madras Bench in O.A.84 of 2013 dated 03.12.2013 and O.A.No.445 of 2013 dated 19.08.2016 on the ground of laches of more than 3 decades.

6. Though some of the petitioners herein were also parties in O.A.No.59 of 2005 which was dismissed, suppressing the said fact, again the very same persons have joined with other group and filed this writ petition. Since we proposed to reject the claim of the petitioners, we are not adverting anything against the present petitioners except to say that the main prayer sought for by the petitioners has been negated by the Central Administrative Tribunal, Madras Bench, on the ground of enormous delay of more than 3 decades. We do not find that the order passed by the Central Administrative Tribunal, Madras Bench, warrants any interference by

this Court. Further, since the petitioners have already availed the benefit of the scheme formulated which was approved by the Supreme Court in *Inder Pal Yadav and others Vs. Union of India (cited supra)*, we are not inclined to grant permission either in the miscellaneous petition. Consequently, the writ petition is liable to be rejected at the S.R. stage on merits and as well.

7. In the result, the above miscellaneous petition is dismissed. The writ petition in W.P.SR.No.81254 of 2014 shall stand rejected.

[H.G.R.,J.] [T.K.R.,J.]

23.11.2017

Index : Yes/No
Internet : Yes
Jrl

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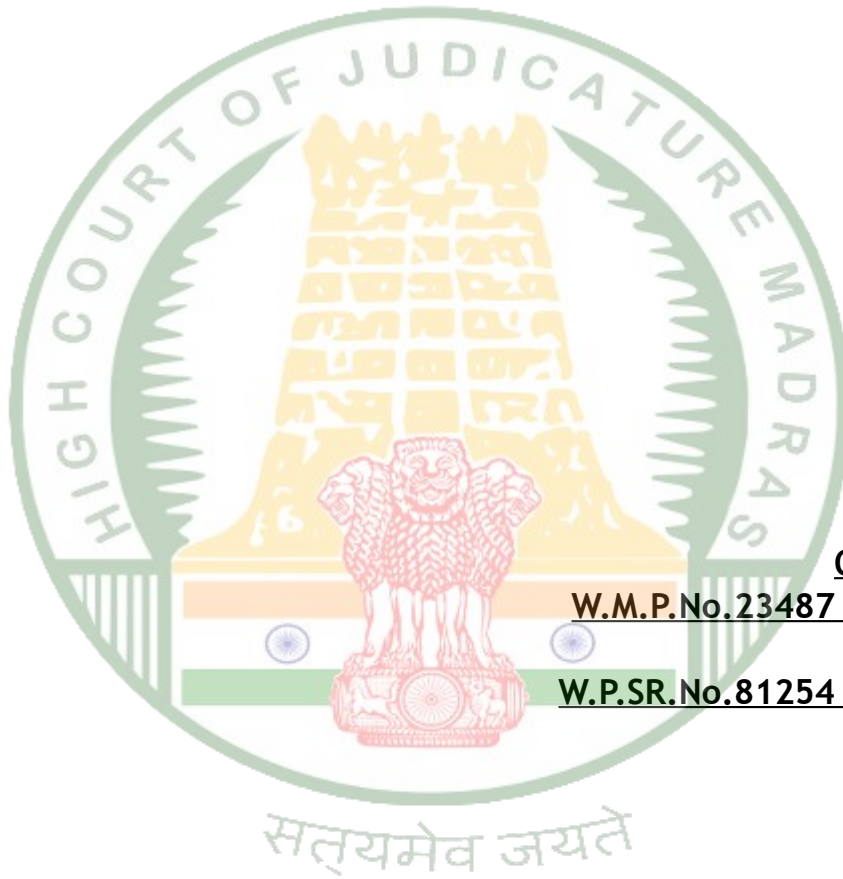
To

1. The Chairman,
Union of India,
Railway Board,
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2. The Chief Personal Officer,
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HULUVADI G.RAMESH,J.
AND
RMT.TEEKAA RAMAN,J.

JRL



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