

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2017

CORAM :

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.17407 to 17409 of 2014
and M.P.Nos.1,1 & 1 of 2014

K.Padmanabhan ... Petitioner in W.P.No.17407 of 2014
J.R.Srinivasan ... Petitioner in W.P.No.17408 of 2014
K.Thangaraj ... Petitioner in W.P.No.17409 of 2014

vs.

- 1.Union of India
Rep.by Secretary to Govt. of India,
Ministry of Finance,
Department of Revenue, New Delhi.
- 2.The Commissioner of Central Excise ,
Office of the Commissioner of Central Excise,
Salem-636 001.
- 3.The Joint Commissioner of Customs & Central Excise(P & V)
Office of the Commissioner of Central Excise,
Salem 636 001. ... Respondents in W.P.No.17407,
17408 of 2014

- 1.Union of India
Rep.by Secretary to Govt. of India,
Ministry of Finance, सत्यमेव जयते
Department of Revenue, New Delhi.

- 2.The Commissioner of Customs,
Customs House,
Harbour Estate,
Tuticorin 628 004.

- 3.The Commissioner of Central Excise,
Nungambakkam, Chennai 600 034.

- 4.The Commissioner,
Customs and Central Excise,
Trichy.

5.The Joint Commissioner of Customs (P & V)
Office of the Commissioner of Customs,
Custom House, Harbour Estate,
Tuticorin 628 004.

... Respondents in all W.P No.17409 of 2014

Prayer in W.P.No.17407 of 2014: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, calling for the records passed by the Central Administrative Tribunal, Madras Bench in O.A.No.276 of 2006 dated 13.12.2007 by confirming the impugned order passed by the third respondent made in his proceedings C.No.II/24/1/2004 Bills dated 22.03.2006 and quash the same and consequently direct the respondents 2 and 3 to refix the scale of pay of the petitioner on par with his immediate junior like N.Thanikachalam of Pondicherry Division (Seniority list Sl.No.590) w.e.f. 01.01.1986 and pay all the arrears of pay and other allowances etc., at the earliest within a time frame.

Prayer in W.P.No.17408 of 2014: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, calling for the records passed by the Central Administrative Tribunal, Madras Bench in O.A.No.172 of 2006 dated 13.12.2007 by confirming the impugned order passed by the third respondent made in his proceedings C.No.II/29/2/2005 SB dated 15.12.2005 and quash the same and consequently direct the respondents 2 and 3 to refix the scale of pay of the petitioner on par with his immediate junior like N.Thanikachalam of Pondicherry Division (Seniority list Sl.No.590) w.e.f. 01.01.1986 and pay all the arrears of pay and other allowances etc., at the earliest within a time frame.

Prayer in W.P.No.17409 of 2014: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, calling for the records passed by the Central Administrative Tribunal, Madras Bench in O.A.No.275 of 2006 dated 13.12.2007 by confirming the impugned order passed by the third respondent made in his proceedings C.No.II/24/4/2004 SB dated 15.12.2005 and quash the same and consequently direct the respondents 2 and 3 to refix the scale of pay of the petitioner on par with his immediate junior like N.Thanikachalam of Pondicherry Division (Seniority list Sl.No.590) w.e.f. 01.01.1986 and pay all the arrears of pay and other allowances etc., at the earliest within a time frame.

For Petitioner(in all cases) :Mr.Silambanan
Senior Counsel for
M/s.Profexs Asso.
For Respondents (in all cases):Mr.S.Gurumoorthy
Spl.Govt.Pleader.

C O M M O N O R D E R

K.K. SASIDHARAN,J.

These writ petitions are directed against the common order dated 13 December 2007 in O.A.Nos.171,172, 276 & 275 of 2006, dismissing the original applications challenging the order passed by the third respondent and to refix the scale of pay.

2. The documents available on record indicates that there were altogether four original applications before the Tribunal. The Tribunal by way of a common order, dismissed all the original applications.

3. The common order dated 13th December 2007 in O.A.No.171 of 2006 was challenged by the applicant therein before the Division Bench in W.P.No.9041 of 2013. The Division Bench dismissed the said writ petition by order dated 09.04.2013.

4. Since the issue has become final on account of the dismissal of the writ petition challenging the order dated 13th December 2007 in O.A.No.171 of 2006, there is no question of considering the merits of the common order passed by the Central Administrative Tribunal, once again at the instance of the petitioner. In short, the issue is covered by the order dated 09.04.2013 in W.P.No.9041 of 2013.

5. Accordingly, by following the order dated 09.04.2013 in W.P.No.9041 of 2013, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Govt. of India,
Union of India
Ministry of Finance,
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Office of the Commissioner of Central Excise,
Salem 636 001.
- +lcc to Mr.Kaavya Silambanan Associates, Advocate Sr.15144
+lcc to Mr.M.T.Arunan, Advocate Sr.15852
+lcc to Mr.S.Gurumoorthy, Advocate Sr.15558

W.P.Nos.17407 to 17409 of 2014
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