

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.03.2017
CORAM
THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.36422 of 2007

Mr.S.Madhava Ramasamy

... Petitioner

Vs.

1.Union of India rep. by

The Divisional Electrical Engineer Operations,
Broad Gauge, Chennai Division, S.Rly.,
NGO Annexe, Park Town, Chennai - 3.

2.The Sr. Divisional Personnel Officer,
Chennai Division, S.Rly.,
NGO Annexe, Park Town, Chennai - 3.

3.The Registrar,
The Central Administrative Tribunal,
Madras Bench, Chennai - 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the order of the 3rd Respondent made in O.A.No.412 of 2006 dated 13.02.2007 and to quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.V.G.Sureshkumar for R1 and R2
R3 - Tribunal

सत्यमेव जयते
O R D E R

The Original Application filed by the petitioner for a direction to the Railways to consider his case for fixing the basic pay at Rs.6200/- with effect from 1 March 1999 in the cadre of Motorman and at Rs.7140/- with effect from 1 November 2003 was rejected by the Central Administrative Tribunal (for short "Tribunal"), taking into account the reply affidavit filed by the respondents 1 and 2 to the effect that on account of the currency of penalty, he was not given promotion to the post of Motorman. Feeling aggrieved, the petitioner is before this Court.

2. We have heard the learned counsel for the petitioner and the learned Standing Counsel for the Railways.

3. The only question that arises for consideration is as to whether the petitioner was entitled to promotion to the post of Motorman, notwithstanding the order imposing penalty.

4. The documents available on record indicates that the Railways imposed the punishment of withholding of annual increment for a period of two years with effect from 1 March 1999 on account of certain misconduct. Paragraph 3.9 of the Railway Board's Order provides that if a person is eligible for promotion after the finalisation of the disciplinary proceedings and the penalty imposed viz., withholding of promotion, withholding of increment, reduction to lower stage in time scale or reduction to a lower time scale, grade or post, he should be promoted only after the expiry of the penalty.

5. The learned counsel for the petitioner has taken up a contention that as on the date on which the petitioner was given promotion, by order dated 30 April 1999, there was no punishment awarded by the disciplinary authority. The said contention is not correct. There is a clear indication in the order dated 30 April 1999 that increment due on 1 March 1999 is withheld for two years, meaning thereby, no such increment would be paid during the currency of the punishment. Therefore, it is clear that the disciplinary authority imposed the punishment even before 30 April 1999. The petitioner was therefore not correct in contending that there was no punishment as on the date on which his name was included in the list of promotees and as such, he was entitled to the attendant benefits.

6. The Tribunal analysed the background facts in the correct perspective and dismissed the original application. We do not find any error or illegality in the said order warranting interference by exercising the power of judicial review.

7. The writ petition is dismissed with no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The The Divisional Electrical Engineer Operations,
Union of India
Broad Gauge, Chennai Division, S.Rly.,
NGO Annexe, Park Town, Chennai - 3.

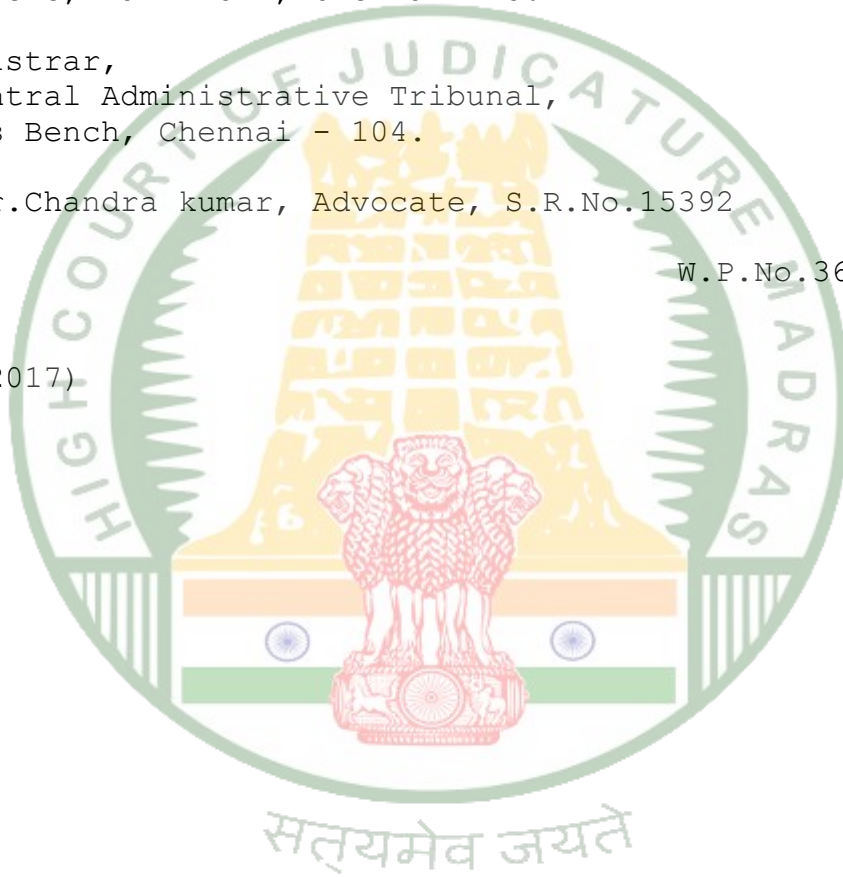
2.The Sr. Divisional Personnel Officer,
Chennai Divisional, S.Rly.,
NGO Annexe, Park Town, Chennai - 3.

3.The Registrar,
The Central Administrative Tribunal,
Madras Bench, Chennai - 104.

+1cc to Mr.Chandra kumar, Advocate, S.R.No.15392

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MV(CO)
RS(12/04/2017)



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