

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI*

WRIT PETITION No.27090 of 2016

ORDER: (per SK,J)

The Union of India and the General Managers of the South Central Railway and the North East Railway filed this writ petition aggrieved by the order dated 22.04.2016 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, in O.A.No.786 of 2015. The said O.A. was filed by the second respondent herein assailing the proceedings dated 25.03.2015 and 11.05.2015 of the authorities and seeking a consequential direction to them to place his name above that of the fourth respondent in the O.A., the third respondent herein, in the seniority list of Assistant Engineers with all consequential benefits.

By the order under challenge, the Tribunal followed the ratio laid down by the Madras Bench of the Tribunal in S.KANNAN V. UNION OF INDIA¹ and directed the authorities to recast the seniority by taking the date of transfer of the applicant in the O.A. to the South Central Railway i.e. 06.04.2005 and grant him all consequential benefits. It appears that the judgment of the Madras Tribunal relied upon in the order under challenge was confirmed by a Division Bench of the Madras High Court vide order dated 31.03.2008 passed in W.P.No.8131 of 2007. We are further informed by both sides that this order was confirmed by the Supreme Court when the SLP filed thereagainst was dismissed at the threshold.

Pertinent to note, the Madras High Court observed in its order dated 31.03.2008 in W.P.No.8131 of 2007 to the effect that when private

¹ 2007(2) SLJ 336 (CAT)

individuals were not aggrieved by the order passed by the Tribunal in relation to their seniority, it is not for the railways to take upon itself the task of challenging such an order. In the case on hand, we find that Veeramani, the fourth respondent in the O.A., did not have any grievance with the order passed by the Tribunal in O.A.No.786 of 2015 though it directly impacted his seniority. When the aggrieved individual did not choose to challenge the said order, we are at a loss to understand as to how the Union of India and the Railways are aggrieved thereby. If the principle laid down by the Madras Tribunal in S.KANNAN attained finality upon being confirmed by the Madras High Court and thereafter by the Supreme Court, the question of agitating the validity of the said principle would not arise afresh. Viewed from any angle, we find that the present writ petition is not maintainable.

The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:30.01.2017

GJ