

The Hon'ble Sri Justice V.RAMASUBRAMANIAN  
and  
The Hon'ble Sri Justice M. GANGA RAO  
+ WRIT PETITION No.43163 OF 2017

Date:26.12.2017

Between:

%Union of India, Rep. by the General Manager,  
South Central Railway, Secunderabad and two others.

...Petitioners

Vs.

\$ T.R. Rajkumar S/o.Late Ramaswamy,  
Aged about 60 years, Occ: Ex.Senior Section Engineer  
In the O/ o. the Deputy Chief Signal and Telecommunication  
Engineer, S & t Workshops, Mettugada, South Central Railway,  
Secunderabad.

... Respondent

! Counsel for Petitioner : Mrs. K. Aruna

^ Counsel for Respondents : Sri K. Siva Reddy

< Gist :

> Head Note :

? Cases Referred : 2014 (8) Supreme Court Cases 883



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN  
AND  
HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No. 43163 OF 2017

ORDER: (per V. Ramasubramanian, J)

Challenging an order of re-fixation of pay and recovery, the respondent filed an application before the Central Administrative Tribunal. The Tribunal allowed the application, forcing the Railway Administration to come up with the above writ petition.

2. Heard Mrs. K. Aruna, learned Standing Counsel for the petitioners. Mr. K. Siva Reddy, learned counsel takes notice for the respondent.

3. Though the law was in a state of flux for some time, the last of the judgments, was the one in State of Punjab v. Rafiq Masih<sup>1</sup>. The Tribunal followed the said decision and set aside the order of recovery. But, at the same time, the Tribunal ensured that the respondents will not be entitled to the benefit of the wrong fixation continuously. The respondent himself, as seen from paragraph-7 of the order of the Tribunal, restricted his prayer only to the recovery and not to the re-fixation.

4. The Tribunal having followed the latest decision of the Supreme Court cannot be said to have committed any illegality. Hence, the Writ Petition is dismissed.

5. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

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V. RAMASUBRAMANIAN, J

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M. GANGA RAO, J

December 26, 2017  
KTL

<sup>1</sup> 2014 (8) Supreme Court Cases 883