

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NOS.2609 TO 2614 OF 2010

AND

M.P.NOS.1 AND 2 OF 2010 (6 NOS. EACH)

W.P.No.2609 of 2010

1. The Union of India rep. by the
Secretary (E), Railway Board,
New Delhi - 110 001.
2. The Chief Personnel Officer,
Integral Coach Factory,
Chennai - 38.
3. The Financial Advisor and Chief
Accounts Officer,
Integral Coach Factory,
Chennai - 38.

.. Petitioners

Vs

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

2. C.Govindaraj

सत्यमेव जयते ..

Respondents

W.P.No.2610 of 2010

The Union of India rep. by the
Financial Advisor and Chief
Accounts Officer,
Integral Coach Factory,
Chennai - 38.

..

Petitioner

Vs

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

2. M.Arumugam

3. The Manager,
Indian Bank, Red Hills,
Chennai - 52.

.. Respondents

W.P.No.2611 of 2010

The Union of India rep. by the
Financial Advisor and Chief
Accounts Officer,
Integral Coach Factory,
Chennai - 38.

Petitioner

Vs

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

2. L.Chandra

3. The Manager,
Indian Overseas Bank (Link Branch),
UCO Bank, P.B.No.276,
Thambu Chetty Street, Chennai - 1.

.. Respondents

W.P.No.2612 of 2010

The Union of India rep. by the
Financial Advisor and Chief
Accounts Officer,
Integral Coach Factory, सत्यमेव जयते
Chennai - 38.

.. Petitioner

Vs

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

2. D.Thulasi

3. The Manager,
Indian Overseas Bank,
Manavala Nagar, Tiruvallur.

.. Respondents

W.P.No.2613 of 2010

The Union of India rep. by the
Financial Advisor and Chief
Accounts Officer,
Integral Coach Factory,
Chennai - 38.

..

Petitioner

Vs

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

2. T.Subramanian

3. The Manager,
Indian Overseas Bank,
Villivakkam, Chennai - 49.

..

Respondents

W.P.No.2614 of 2010

The Union of India rep. by the
Financial Advisor and Chief
Accounts Officer,
Integral Coach Factory,
Chennai - 38.

..

Petitioner

Vs

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

2. M.Kuppuswamy

3. The Manager,
Indian Overseas Bank,
Villivakkam, Chennai - 49.

..

Respondents

Petitions filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records of the first respondent in O.A.Nos.462 of 2004, 921 of 2004, 613 of 2004, 686 of 2004, 585 of 2004 and 745 of 2004 respectively including the order dated 05.01.2005, 07.06.2005, 05.01.2005, 05.01.2005 and 05.01.2005 respectively and quash the same.

For Petitioners.. Mr.M.Vijay Anand in all W.Ps

For Respondents.. Mr.G.Palani for R2
in W.P.No.2609 of 2010
R2 & R3 - No appearance
in W.P.Nos.2610 to 2614 of 2010
R1 - Tribunal in all W.Ps

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Challenging the orders of the first respondent in O.A.Nos.462 of 2004, 921 of 2004, 613 of 2004, 686 of 2004, 585 of 2004 and 745 of 2004 respectively including the order dated 05.01.2005, 07.06.2005, 05.01.2005, 05.01.2005, 05.01.2005 and 05.01.2005 respectively, these writ petitions have been filed.

2.The issue involved is no longer res integra. Learned counsel appearing for the parties submitted that the issue involved is covered by the judgment of the Division Bench in W.P.No.3676 of 2009 dated 20.07.2010, wherein it has been held as follows:

"10.In these circumstances and following the judgment of the Supreme Court, we allow the writ petitions insofar as the direction relating to revision of pension/family pension. But as regards the excess payment already made, it is nowhere the case of the Railways that pensioners/family pensioners had anything to do with the wrong calculations. There seems to have been a confusion in the understanding of the office memorandum which is why clarifications had to be issued. therefore, there shall be no recovery on the excess payment if not already recorded. Also, recovery cannot be effected in future, if not already effected."

3.In such view of the matter, these writ petitions shall stand allowed on the same terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

mmi

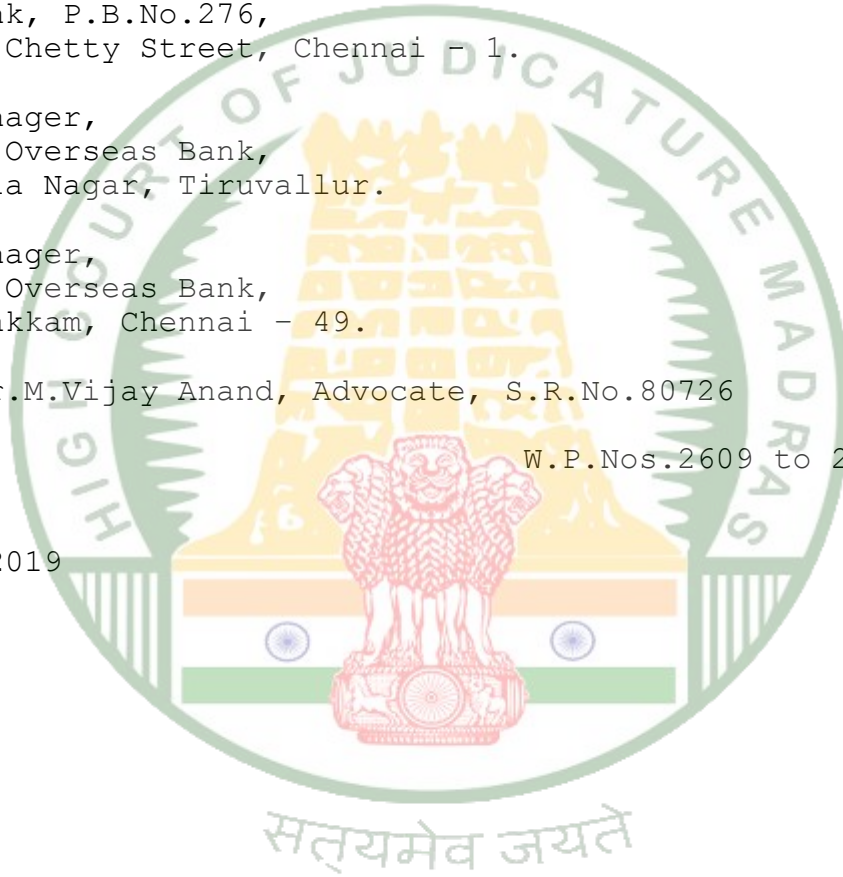
To

1. The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai - 104.
2. The Manager,
Indian Bank, Red Hills,
Chennai - 52.
3. The Manager,
Indian Overseas Bank (Link Branch),
UCO Bank, P.B.No.276,
Thambu Chetty Street, Chennai - 1.
4. The Manager,
Indian Overseas Bank,
Manavala Nagar, Tiruvallur.
5. The Manager,
Indian Overseas Bank,
Villivakkam, Chennai - 49.

+1cc to Mr.M.Vijay Anand, Advocate, S.R.No.80726

W.P.Nos.2609 to 2614 of 2010

KJ(CO)
CS/08/01/2019



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