

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.31571 of 2017
and W.M.P.No.34694 of 2017

- 1.Union of India,
rep. by The General Manager,
Southern Railway, Park Town,
Chennai 600 003.
- 2.The Divisional Railway Manager,
Madurai Division, Southern Railway.
- 3.Senior Divisional Personnel Officer,
Madurai Division, Southern Railway. .. Petitioners

-vs-

- 1.A.Kanthan
Office Supt., Madurai Division,
Southern Railway.
- 2.M.Kannathasan
Office Supt., Madurai Division,
Southern Railway.
- 3.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai 600 104. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the third respondent pertaining to O.A.No.1396 of 2012 and order passed thereon dated 08.07.2016 and quash the same.

For Petitioners : Mrs.A.Sri Jayanthi
Standing Counsel

For Respondents : No appearance for RR-1 and 2
: R-3 Tribunal

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

This petition is directed against the order dated 08.07.2016 passed by the Central Administrative Tribunal, Madras Bench, in O.A.No.1396 of 2012. In the said O.A., the first and second respondents-applicants had prayed for setting aside the order of recovery with regard to the excess payment made to them and also prayed for re-fixation of pay. By order dated 08.07.2016, the O.A. came to be disposed of, by observing thus:

"5.Hence both sides are having no objection for passing orders to the effect that recovery shall not be effected with regard to excess paid to the applicants. However, there is no dispute about the re-fixation of their pay."

2.The learned counsel for the petitioners-Southern Railway submitted that as far as refixation of pay is concerned, they have no grievance and they will carry out the refixation of pay. She submitted that their grievance is only in relation to recovery of excess amount paid, which order she prayed be set aside.

3.On going through the order of the Central Administrative Tribunal, Madras Bench, it is noticed that the learned counsel for the petitioners-Southern Railway has stated before the Tribunal that there was no objection for passing orders to the effect that recovery shall not be effected with regard to the excess amount paid to the first and second respondents. In view of the categorical statement made before the Tribunal, the O.A. came to be disposed of in terms of the statement.

4.In view of the categorical statement before the Central Administrative Tribunal in relation to the above prayer by the learned counsel for the petitioners-Southern Railway, we are of the opinion that no case is made out to interfere with the order of the Central Administrative Tribunal.

Hence, this writ petition is dismissed. No costs.
Consequently, W.M.P.No.34694 of 2017 is also dismissed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

sra

To

- 1.The General Manager,
Southern Railway, Park Town,
Chennai 600 003.
- 2.The Divisional Railway Manager,
Madurai Division, Southern Railway.
- 3.Senior Divisional Personnel Officer,
Madurai Division, Southern Railway.
- 5.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai 600 104.

+1cc to Mr.A.Srijayanthi, Advocate SR.No.61601

W.P.No.31571 of 2017

GMV (18/09/2018)

सत्यमेव जयते

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