

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.2.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.34414 of 2017
and
W.M.P.No.38249 of 2017

- 1 Union of India Rep. by
The General Manager Southern Railway park
Town Chennai-600 003.
 - 2 The Chief Workshop Engineer
Southern Railway Park Town Chennai-600 003.
 - 3 The Chief Workshop Manager
Central Workshop Personnel Branch Ponmalai
Trichy-620 004.
 - 4 The Dy. Chief Electrical Engineer(S)
Central Workshop Ponmalai
Trichy-620 004. Petitioners
- Versus
- 1 The Registrar
Central Administrative Tribunal
Madras Bench Chennai-600 104.
 - 2 P.Tamilselvan Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records of the 1st respondent / Tribunal in O.A.No.743 of 2013 dated 30.09.2016 and quash the same.

For petitioners : Mr.M.Vijay Anand

For R2 : Mr.L.Chandrakumar

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed by the Southern Railway questioning the correctness of the order passed by the Central Administrative Tribunal in allowing the Original Application filed by the second respondent herein and thereby directing the petitioners herein to revise the pension of the second respondent herein.

3. It appears that the second respondent herein, Junior Engineer in Southern Railways, for his unauthorised absence, was imposed with a punishment of dismissal from service and later, on appeal, it was reduced to one of reduction in pay scale for a period of four years or till his retirement whichever is earlier. However, it appears that on his superannuation with effect from 30.4.2009, his pension was fixed at a reduced scale instead of restoring his scale of pay. The Central Administrative Tribunal has ordered for revision of pension based upon the pay which the second respondent was drawing prior to the penalty.

4. Having heard the learned counsel appearing for the parties and perused the entire materials available on record, we are of the view that the order of the Central Administrative Tribunal appears to be justified since the reduction of pay scale as a matter of punishment was only for a period of four years or till the retirement, whichever is earlier and therefore, as on the date of superannuation, though it came before completion of four years from the date of such punishment, it must be deemed to have been served by the second respondent.

5. Having passed an order in reducing the punishment in appeal with such a clause, now, the petitioners cannot taken turn around and try to extend the punishment by still two more years. In that view of the matter, we do not find any reason to interfere with the order passed by the Central Administrative Tribunal. Accordingly, the writ petition dismissed. The petitioners are directed to comply with the order passed by the Tribunal within a period of three months from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

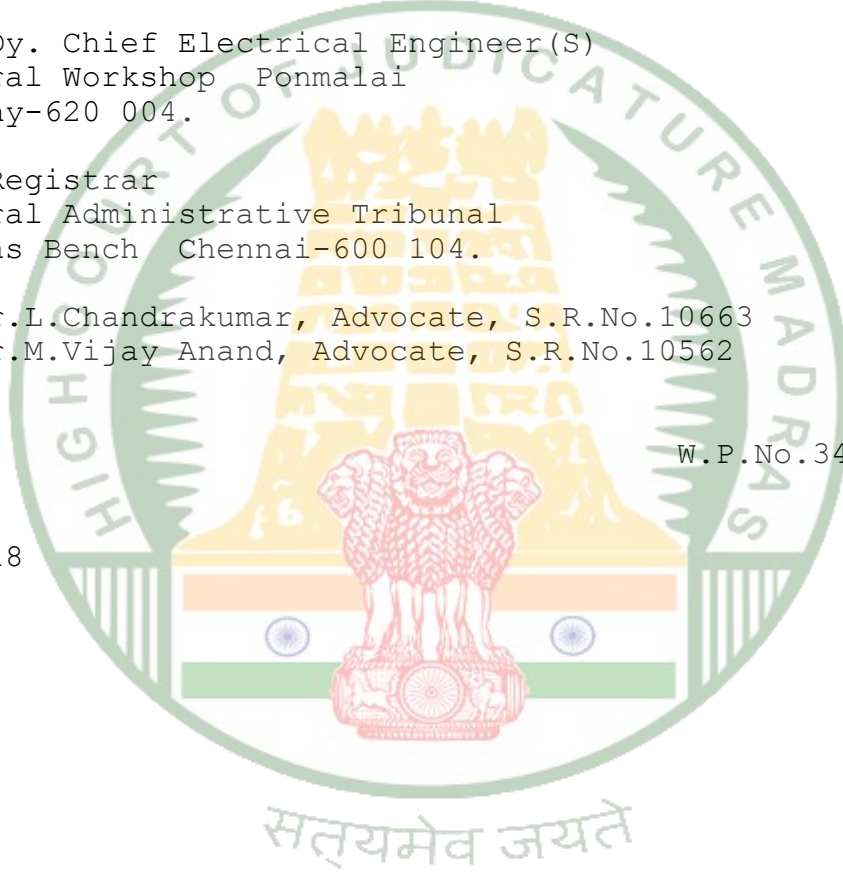
To:

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Madras Bench Chennai-600 104.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.10663
+1cc to Mr.M.Vijay Anand, Advocate, S.R.No.10562

W.P.No.34414 of 2017

gmi(co)
cs/20/03/18



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