

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.27573 of 2017
and W.M.P.No.29498 of 2017

- 1.Union of India,
Rep. by The Chairman,
Railway Board, New Delhi.
- 2.The General Manager,
Southern Railway,
Park Town, Chennai 600 003.
- 3.Senior Divisional Personal Officer,
Madurai Division, Southern Railway. ... Petitioners

-vs-

- 1.Shri.S.Paneer Selva Pandian,
Station Superintendent,
Nalli Railway Station,
Southern Railway.
- 2.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 2nd respondent pertaining to O.A.No.1826 of 2013 and order passed thereon dated 10.03.2017 and quash the same.

For Petitioner : M/s.T.P.Savitha

For Respondents : Mr.R.Jasmine Padma for R-1
: R-2 Tribunal

O R D E R
(Order of the Court was made by The Hon'ble Chief Justice)

Heard learned counsel for both sides.

2.The petitioners-Union of India have preferred this petition being aggrieved by the order of the Tribunal dated 10.03.2017 passed in O.A.No.310/01826/2013 filed by the first respondent. By the said order, the first respondent's OA for upgradation came to be disposed of.

3.We have perused the order dated 10.03.2017. In the said order, it is noted that the Tribunal had earlier disposed of the OA preferred on the same ground by order dated 01.02.2017. The said OA is 310/001764/2013. The order dated 10.03.2017 further shows that before the Tribunal, it was argued by the learned counsel for the present respondent that he was similarly situated as the applicant in O.A.No.310/001764/2013. Before the Tribunal, learned counsel for the respondents-Union of India submitted that if the applicant is similarly situated as the applicant in O.A.No.310/001764/2013, they would have no objection to consider the prayer of the applicant. Thus, it is seen that the learned counsel for the petitioners-Union of India had made a statement before the Tribunal that they would have no objection to consider the prayer if the first respondent was similarly situated as the applicant in O.A.No.310/001764/2013.

4.In view of the above facts, the Tribunal had disposed of the present OA directing that the earlier order shall cover the first respondent if he is similarly situated. Thus, it is seen that there is no positive direction to the petitioners for granting the relief and the petitioners have only been directed to extend the same relief if the first respondent is similarly situated.

5.In this view of the matter, we see no good ground to interfere with the impugned order.

Writ petition is, accordingly, dismissed. No costs. Consequently, W.M.P.No.29498 of 2017 is also dismissed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

sra

To

1.The Chairman to Govt. of India,
Railway Board, New Delhi.

2.The General Manager,
Southern Railway,
Park Town, Chennai 600 003.

3.The Senior Divisional Personal Officer,
Madurai Division, Southern Railway.

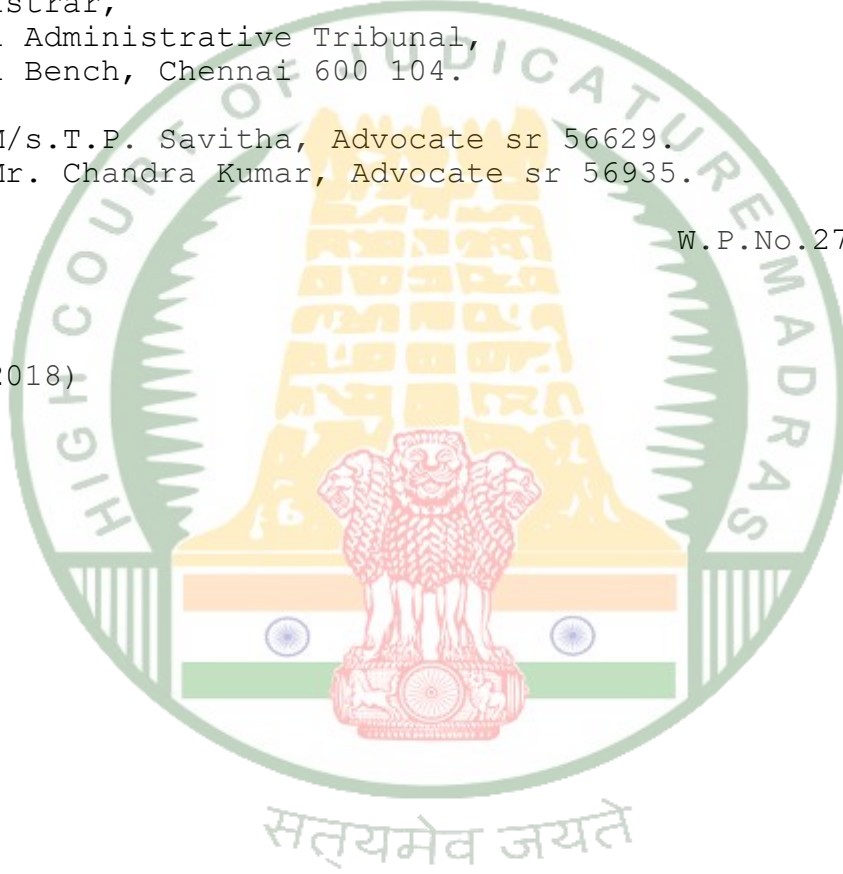
4.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai 600 104.

+1 CC to M/s.T.P. Savitha, Advocate sr 56629.

+1 CC to Mr. Chandra Kumar, Advocate sr 56935.

W.P.No.27573 of 2017

SP(03/09/2018)



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