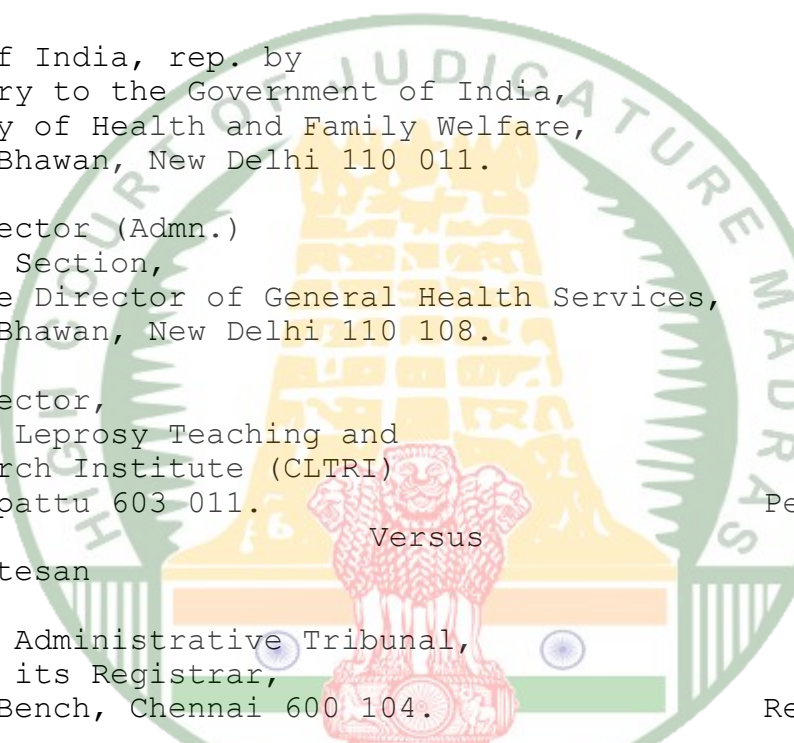


IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 5.1.2018

CORAM

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

W.P.No.133 of 2018
and
W.M.P.No.197 of 2018

- 
1. Union of India, rep. by
Secretary to the Government of India,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi 110 011.
2. The Director (Admn.)
Leprosy Section,
O/o. the Director of General Health Services,
Nirman Bhawan, New Delhi 110 108.
3. The Director,
Central Leprosy Teaching and
Research Institute (CLTRI)
Chengalpattu 603 011. Petitioners
- Versus
1. G.Venkatesan
2. Central Administrative Tribunal,
rep. by its Registrar,
Madras Bench, Chennai 600 104. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of 2nd Respondent and quash the Order dated 16.12.2016 in OA. No.1275 of 2013 as the same is unsustainable.

For petitioners : Mr.V.P.Sengottuvel, SPC

ORDER

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

Heard the learned Standing Counsel appearing for the petitioners.

2. The writ petition has been filed seeking issuance of a writ of certiorari to call for the records of 2nd Respondent and quash the Order dated 16.12.2016 in O.A. No.1275 of 2013.

3. It appears that the first respondent, who had served as Physiotherapy Technician from 11.11.1986 to 16.8.1995 in the State service had been sponsored by the Employment Exchange, Kanmchipuram for appointment to the post of Physiotherapy Technician in the third petitioner office and thereafter, he had moved several representations for grant of ACP/MACP considering his past services in the State Government and since his claim was rejected, he had moved the Original Application and obtained an order in his favour. Challenging the same, the present writ petition has been filed by the petitioners-Union of India and others.

4. The stand of the Union of India is that the services rendered in the State Government cannot be taken into consideration while considering the seniority and for other purposes. The Tribunal, having found that the relevant provisions viz., conditions 9 and 10 of the MACP scheme had been quashed by the Chandigarh Bench of the Tribunal, held in favour of first respondent herein to the effect that the services rendered by him in the State Government shall be counted for the purpose of pension and all consequential benefits.

5. The stand taken by the Union of India cannot be appreciated. May be because of different Governments or following different system, such a view might have been taken, but, once a person has put in service in the State Government or the Central Government, when he is taken over under the regular process by the Central Government on regular basis or on having applied through proper channel, the past services rendered by him cannot be ignored. Therefore, we do not find any reason to interfere with the finding given by the Tribunal. The writ petition fails and the same is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ssk.

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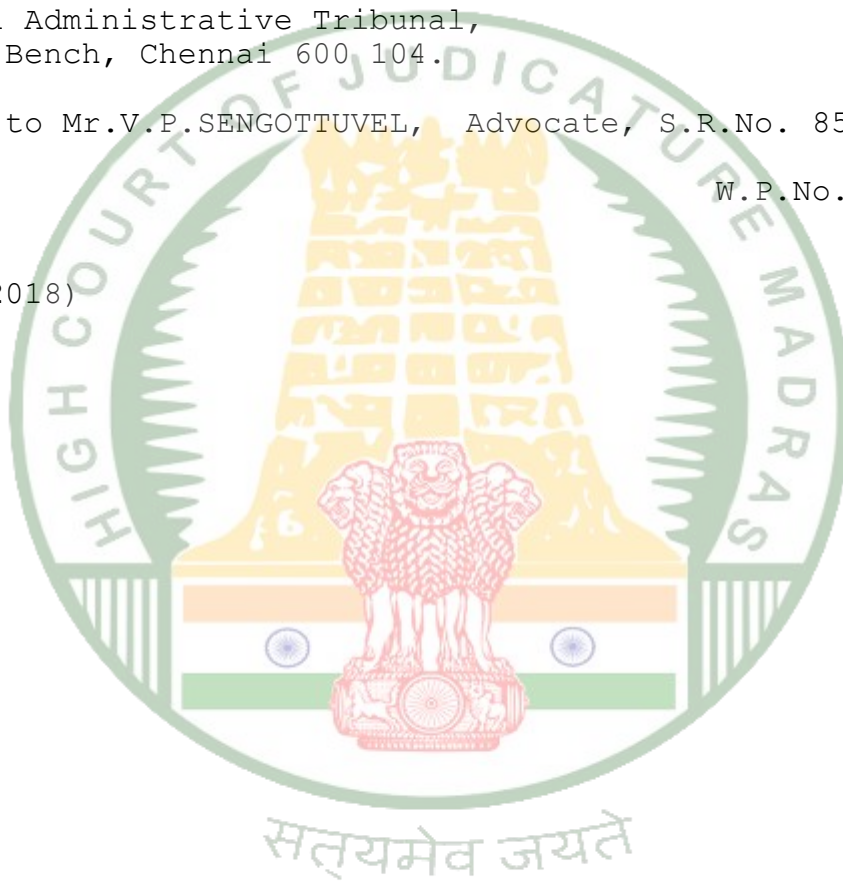
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4. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai 600 104.

+1cc to Mr.V.P.SENGOTTUVEL, Advocate, S.R.No. 851

W.P.No.133 of 2018

KK(CO)
TR(07/02/2018)



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