

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.1.2018

CORAM

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

W.P.No.44784 of 2016
and
W.M.P.No.38618 of 2016

1 Union of India
Rep by The General Manager
Southern Railway
Park Town Chennai 600 003

2 The Senior Divisional Personnel Officer
Salem Division Southern Railway
Salem

Petitioners

Versus

1 The Registrar
Central Administrative Tribunal
Chennai Bench High Court Campus
Chennai 600 104

2 M.Krishnan

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the entire records of the order dated 7.6.2016 passed by 1st respondent Tribunal in O.A.No.310/01859 of 2014 and quash the same.

For petitioners : Mr.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 appeal petition has been filed by the Union of

India challenging the order passed by the Central Administrative Tribunal allowing the Original Application filed by the respondent-employee and thereby directing the appellants to accept the voluntary retirement of the applicant/respondent herein.

3. The stand of the writ petitioners is that there the employee should have completed 33 years to seek for voluntary retirement under the Safety Related Retirement Scheme whereas the stand of the respondent is that he is entitled to the benefit of voluntary retirement viz., Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARGESS Scheme) even if had completed 20 years of service before completion of 33 years in view of the modification made to the Scheme by way of a Circular issued later.

4. The above modification to the scheme is taken note of by the Tribunal while allowing the claim made by the respondent herein. Further, it has been brought to our notice that a Division Bench of this court, while dealing with a similar case in W.P.No.37533 of 2016, has taken a view that when the employee had completed 20 years of service, he ought to have been extended the benefits. The respondent herein had completed 33 years and 5 months of total service which is inclusive of both safety and non-safety and even according to the Department, he had put in 23 years and 1 month in Safety service de hors the ten years in non-safety service. Therefore, as per the modified scheme, the respondent herein is entitled to get the benefit of voluntary retirement. The order passed by the Central Administrative Tribunal shall be complied with within a period of three months from the date of receipt of a copy of this order. Accordingly, the writ petition disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

ssk.

To:

- 1 The General Manager, Union of India
Southern Railway
Park Town Chennai 600 003

2 The Senior Divisional Personnel Officer
Salem Division Southern Railway
Salem

3 The Registrar
Central Administrative Tribunal
Chennai Bench High Court Campus
Chennai 600 104

+ 1 cc to Mr.L.Chandrakumar Advocate,SR.2316

+ 1 cc to M/s.M.Vijay Anand, Advocate,SR.2807

W.P.No.44784 of 2016

sv(co)
nr 05/03/2018



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