

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 4.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No. 16971 of 2017
and
W.M.P. No. 18414 of 2017

1. Union of India
Rep. By the General Manager,
Southern Railways, Chennai - 600 003.
2. The Additional DRM,
Southern Railways, MaduraiPetitioners
- Vs.

1. The Registrar,
Central Administrative Tribunal,
Chennai Bench.
2. V.P. VeerabathiranRespondents
- Prayer: Writ Petition filed under Article of 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to O.A. No.310/00340/2013 on the file of Central Administrative Tribunal, Chennai Bench and quash the order dated 20.03.2017.

For Petitioners : M/s. A. Sri Jayanthi

For Respondents : R1 - Tribunal
Mr. P. Rajendran for R2

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

The issue involved is one of fixation of pension. According to the petitioners before this Court, the respondent No.2 has not been re-designated. The learned counsel appearing for the petitioners submits that the Full Bench judgment of the Tribunal is no longer a good law, in view of the judgment of the Apex Court.

2. Both the counsel appearing for the parties submit that the issue involved has already been dealt with by a Division Bench of this Court in W.P.No.19697 of 2017 (Union of India v. N.Ramaswamy), wherein this Court, by order dated 03.12.2018, was pleased to remit the connected matters to the Tribunal for fresh consideration by taking note of the recent judgment of the Apex Court in Union of India v R. Sethumadhavan and another, (2018) 4 MLJ 691 (SC).

3. In such view of the matter, we are inclined to set aside the order passed by the Tribunal and remit the matter to the Tribunal for fresh consideration in the light of the observations made in W.P.No.19697 of 2017. We also direct the Tribunal to decide the matter along with the other connected matters.

4. Accordingly, the order of the Tribunal is set aside and the matters are to be decided along with the application which has been remitted by the orders in W.P.No.19697 of 2017 (Union of India v. N.Ramaswamy).

5. This writ petition is allowed with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

ssm
To

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

+1 CC to Mr.A. Srijayanthi, Advocate sr 83560.
+1 CC to Mr.P. Rajendran, Advocate sr 83171

W.P. No. 16971 of 2017

SSI(CO)
SP(08/01/2019)