

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2019

CORAM:

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

W.P. No. 11240 of 2016 and WMP No.9759 of 2016
and

W.P.No.1975 of 2016 and WMP 1721 of 2016

W.P. No. 11240 of 2016

1. Union of India
Rep. By the General Manager,
Southern Railway,
Chennai - 600 003.
 2. The Chief Personnel Officer,
Southern Railway,
Chennai - 600 003.
 3. Financial Adviser and Chief Accounts Officer,
Southern Railway, Chennai - 600 003.
 4. The Divisional Personnel Officer,
Southern Railway, Salem Division,
Salem
-Petitioners

Vs.

1. The Registrar
Central Administrative Tribunal,
Madras Bench,
Chennai - 600 104.
 2. V. Sugumar
- ...Respondents

Prayer: Writ Petition filed under Article of 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the entire records of the 1st respondent in O.A. No.1406 of 2013 including the order dated 08.08.2014 and quash the same.

W.P. No. 1975 of 2016

1. Union of India
Rep. By the General Manager,
Southern Railway,
Chennai - 600 003.
 2. The Chief Personnel Officer,
Southern Railway,
Chennai - 600 003.
 3. Senior Divisional Personnel Officer/MAS,
Divisional Railway Manager's Office,
Personnel Branch,
Southern Railway, Chennai
 4. Financial Adviser and Chief Accounts Officer,
Southern Railway,
Chennai - 600 003.
 5. The Divisional Personnel Officer,
Divisional Office, Personnel Branch,
Southern Railway,
Trivandrum - 695014.
 6. Senior Divisional Officer/PGT,
Divisional Office, Personnel Branch,
Southern Railway,
Palghat
-Petitioners

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

2. J. Easudoss
3. Veerabathran
4. S. Sayeeram

5. B. Selvam

6. V. Chandrasekaran Pillai

...Respondents

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Prayer: Writ Petition filed under Article of 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the entire records of the 1st respondent in O.A. No.1433 of 2013 including the order dated 08.08.2014 and quash the same.

For Petitioners : Mr. M.Vijay Anand
in both WPs.

For Respondents : Mr. J. Muthukumaran
for 2nd respondent in
WP.11240/2016 and
for respondents 2 to 5
in WP.1975/2016
No appearance
for sixth respondent in
WP.1975/2016

COMMON ORDER

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

The issue is no longer res integra. On an earlier occasion, in a batch of writ petitions (W.P. No. 10422 of 2013 etc.) filed by the petitioners, considering the very same issue, this Court, to which one of us (M.M.Sundresh,J) was a party, by order dated 13.09.2013, held as follows:-

"6. Discussion:-

It is not in dispute that the decision rendered by the Co-ordinate Bench at Kerala has become final. It is also not in dispute that the said decision has been given effect to. The further fact that the private respondents herein are also identically placed like that of the applicants in those cases is also not in dispute. It is no doubt true that a dismissal of a Special Leave Petition would not amount to a final approval of the Honourble Apex Court, however, in the case on hand, we are concerned with the element of fairness to be adopted by the petitioners between the same group of employees. The petitioners being model employers, cannot confer benefits only to their similarly placed employees as against the private respondents. Right to treat equally placed persons similarly is a guaranteed right under Article 14 of the Constitution of India. When two Forums have

considered the scope and applicability of relevant Rules on the earlier occasion, we do not want to disturb the said reasoning at this point of time. In that view of the matter, we do not find any error in the orders passed by the Central Administrative Tribunal as it was bound to follow the ratio laid down by its Co-ordinate Bench as confirmed by the Honourable High Court of Kerala. Therefore, we do not find any merit in all these writ petitions. Accordingly, they are dismissed. No order as to costs. Consequently, connected miscellaneous petitions are also dismissed."

2. Learned counsel appearing on either side would submit that the issue involved in the present writ petitions is covered by the judgment mentioned supra.

3. In light of the above, these writ petitions stand disposed of. Consequently, connected W.M.P.No.9759 of 2016 and W.M.P.No.1721 of 2016 are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssm
To

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

+1cc to Mr.J.Muthukumaran, Advocate Sr.2269
+4ccs to Mr.J.Muthukumaran, Advocate Sr.2268

W.P. Nos. 11240 & 1975 of 2016
and
WMP Nos.9759 & 1721 of 2016

pm[co]
srg 12/02/2019