

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.31638 of 2012  
and  
M.P.No.1 of 2012

1. Union of India rep.by  
The Chief Personnel Officer,  
Southern Railways,  
Park Town,  
Chennai - 600 003.
  2. The Divisional Personnel Officer,  
Southern Railway,  
Tiruchchirappalli - 620 001.
  3. The Senior Divisional Financial Manager,  
Southern Railway,  
Tiruchchirappalli.-620 001.
- Petitioners

Vs

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

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records of the 1st respondent in O.A.No.233 of 2011 including the order dated 22.07.2011 and quash the same.

For Petitioners : Mr.M.Vijay Anand  
Additional Standing Counsel

For Respondents : Mr.S.Ramasamy Rajarajan  
for R2  
R1-Tribunal.

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The respondent filed the Original Application before the Madras Bench of the Central Administrative Tribunal in O.A.No.233/2011. The challenge was to the order dated 21.10.2009 revising the pension.

2. The Tribunal, following the earlier order dated 20.06.2011 in O.A.Nos.1188 and 1189/2010, allowed the Original Application and a direction was issued to the petitioners to fix the pay of the respondent, taking into consideration, 55% of add-on element of basic pay, instead of 30%, which has been granted to him. There was a further direction to work out the pension payable to the respondent. The Tribunal, accordingly, modified the order dated 21.10.2009.

3. The issue raised by the respondent before the Tribunal has already been decided against the petitioners in O.A.Nos.1188 and 1189/2010. The Memorandum of Grounds of Appeal does not contain any indication that the order dated 20.06.2011 in O.A.Nos.1188 and 1189/2010 was taken up for judicial review either before the High Court or before the Honourable Supreme Court. Since the issue has already been decided in the earlier Original Application, the Tribunal was perfectly justified in following the order in the subsequent application filed by the respondent. We therefore do not find any reason to set aside the order passed by the Tribunal.

4. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.  
vsi

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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

+1cc to Mr.Vijay Anand , Advocate SR.No. 64063  
+1cc to Mr.Ramaswamy , Advocate SR.No. 64055

W.P.No.31638 of 2012  
and

M.P.No.1 of 2012

A.SK(05/09/2019)