



WEB COPY

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.30635 of 2018
and
W.M.P.No.35723 of 2018

1. Union of India rep. by
The General Manager,
Southern Railway,
Park Town, Chennai - 3.

2. The Divisional Personnel Officer,
Trichchirappali Division,
Southern Railway, Trichy.

...Petitioners

-Vs-

R.Sampath Kumar

..Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records and the common impugned order dated 23.09.2016 made in O.A.No.370 of 2015 on the file of Central Administrative Tribunal, Madras Bench, Chennai and quash the same.

For Petitioners : Mr.S.R.Sundaram

For Respondent : Mr.L.Chandrakumar

O R D E R

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

Challenging the impugned order dated 21.11.2014 and to revise the grade pay, the respondent filed O.A.No.370/2015 before the Central Administrative Tribunal. The original application was allowed by the Central Administrative Tribunal, Madras Bench, with a direction to the petitioners to consider the issue in the light of the judgment rendered by the High Court of Madras in W.P.No.16143/2016. The said order is under challenge at the instance of the Union of India.

2. There was no adverse order passed against the petitioner so as to compel them to file the writ petition. The learned



single Judge only directed the petitioner to consider the issue in the light of the order passed by the High Court. It is for the petitioners to consider as to whether the case of the respondent would be covered by the decision rendered by the High Court in W.P.No. 16143/2016 .

3. We are therefore of the view that there is no case made out by the petitioners for setting side the order passed by the Tribunal.

4. We direct the petitioners to consider the claim made by the respondent and pass orders on merits and as per law. The petitioners shall also consider as to whether the respondent is entitled to the benefit given by the High Court in the order in W.P.No.16143/2016. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

vsi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1) The Union of India,
The General Manager,
Southern Railway,
Park Town, Chennai - 3.
2. The Divisional Personnel Officer,
Trichchirappali Division,
Southern Railway, Trichy.

Copy to:-

The Central Administrative Tribunal,
Madras Bench, Chennai.

+lcc to Mr.L.Chandrakumar, Advocate, SR.No.64014

W.P.No.30635 of 2018

Kak(02/08/2019)