

HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
HONOURABLE SRI JUSTICE T.AMARNATH GOUD
WRIT PETITION No.13428 of 2018

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

The Union of India and its officials in the South Central Railway filed this Writ Petition assailing the validity of the order dated 06.11.2017 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for brevity, 'the Tribunal'), in O.A.No.021/00193/2017.

The said O.A. was filed by respondent No.2 herein assailing the action of the Senior Divisional Personnel Officer, South Central Railway, Hyderabad Division, in refusing his retirement benefits unilaterally on the strength of the letter dated 18.8.2014 read with the Railway Board Instruction conveyed *vide* RBE No.137/2016 dated 29.11.2016.

Notice having been ordered, respondent No.2 entered appearance through Sri Siva Prabhakar Reddy Kallam, learned counsel.

Perusal of the order under challenge reflects that the Tribunal took note of the clarification dated 29.11.2016 issued by the Union of India, on the strength of which respondent No.2 made an application to the effect that the said clarification would squarely apply to his case and requested the authorities to restore his pension as fixed at the time of his retirement. However, the authorities rejected his request stating that the clarification dated 29.11.2016 was only prospective in operation. It was this rejection that respondent No.2 called in question before the Tribunal.

The only question before the Tribunal was therefore as to whether the clarification dated 29.11.2016 was retrospective or prospective in operation.

The Tribunal referred to the order dated 16.10.2017 passed by the erstwhile High Court for the States of Telangana and Andhra Pradesh in Writ Petition Nos.27894 and 27895 of 2017, whereby it was held that the Circular dated 29.11.2016 was retrospective in operation.

It was on the strength of this edict that the Tribunal granted relief to respondent No.2 and directed the authorities to restore his pension as fixed at the time of his retirement.

Ms. A.B.Lalitha Gayathri, learned counsel for the petitioners, would fairly concede that the order dated 16.10.2017 passed by the erstwhile combined High Court in Writ Petition Nos.27894 and 27895 of 2017 has attained finality.

That being so, we find no grounds to interfere with the order under challenge.

The Writ Petition is devoid of merit and is accordingly dismissed.

Miscellaneous Petitions pending in this Writ Petition, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE T.AMARNATH GOUD

12th April, 2019
dr