

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.No.1337 of 2020

S.Jayagopal

.. Petitioner

Vs.

1. Central Administrative Tribunal, Madras Bench
Rep. by its Registrar,
High Court Campus,
High Court Buildings,
Chennai-600 104.

2. Union of India
Rep. by its Director General of Civil Aviation,
Civil Aviation Department,
Rajiv Gandhi Bhavan,
Opp. To Safdurjung Airport,
New Delhi-110 003.

3. Deputy Director of Administration,
O/o. Director General of Civil Aviation,
Opp. To Safdurjung Airport,
New Delhi 110 003.

4. Airports Authority of India
Rep. by its Regional Executive Director,
Southern Region, Chennai Airport,
Meenambakkam, Chennai-600 027.

.. Respondents

* * *

PRAYER:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the concerned records from the first respondent, quash the order of the first respondent Tribunal passed in O.A.No.990 of 2015, dated 20.12.2018 and permit the petitioner to withdraw O.A.No.990 of 2015.

* * *

For Petitioner : Mr. Balan Haridas

For Respondents: R1 - Tribunal

Mr.G.Karthikeyan,
Asst. Solicitor General for RR2 & 3

Mr.M.Palanimuthu,
Standing Counsel for R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The matter in issue pertains to sanction of pension from the date of similar benefit has been extended to the similarly placed employees in W.P.Nos.14769 to 14773 of 2013.

2. The Original Application was entertained by the first respondent Tribunal and reply statement has been filed on behalf of the other respondents. The Tribunal, vide the impugned order dated 20.12.2018 in O.A.No.990 of 2015, taking note of the fact that SLP Nos.14031-14034 of 2016 are pending, disposed of the said application by directing the respondents to review their stand in respect of the applicant in the event of the said SLPs being decided in favour of the persons similarly placed as that of the applicant. Challenging the legality of the said order and seeking permission to withdraw the said original application, the present petition is filed.

3. The learned counsel appearing on behalf of the writ petitioner invited the attention of this Court to the communication dated 19.03.2019 sent by the Directorate General of Civil Aviation, Ministry of Civil Aviation, Government of India/second respondent herein and submitted that in the light of the contents of the same, the petitioner may be permitted to withdraw the main original application (O.A. No.990 of 2015) and he may be granted liberty to take appropriate proceedings, in the event of his claim under the said proceedings is negated.

4. Mr.G.Karthikeyan, learned Assistant Solicitor General of India, who accepts notice on behalf of the respondents 2 and 3 and Mr.M.Palanimuthu, who accepts notice on behalf of the respondent 4, would submit that the said respondents have no objection for the withdrawal of the main original application.

5. It is relevant to extract paragraphs 2 of the communication dated 19.03.2019 sent by the second respondent, which reads as follows :

"In this connection, it may be recalled that some of these ex-CAD employees have filed court cases, particularly in Southern Region which are pending in various Courts/Tribunal regarding the

shifting of date of absorption for their eligibility for Government pension for the service rendered in the CAD. Since absorbee employees of ex-CAD who rendered less than 10 years of service in CAD/DGCA are now eligible for Government pension on the basis of combined service in CAD/DGCA & AAI, these employees who have filed the court cases for shifting of date of absorption may also have given their option for benefit of Government pension on the basis of combined service. The pension cases of such employees, in case they have given the options for Government pension on the basis of combined service, may be processed by the concerned Regional Offices provided they withdrew the court cases filed by the in the various Courts/Tribunals for the shifting of date of their absorption."

6. In view of the same, this writ petition is disposed of and the petitioner is permitted to withdraw O.A.No.990 of 2015 and in the event he suffers any adverse orders, he is always at liberty to avail the remedy in accordance with law before the appropriate and competent forum. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To,

1. The Registrar,
Central Administrative Tribunal, Madras Bench
High Court Campus,
High Court Buildings,
Chennai-600 104.

2. The Director General of Civil Aviation,
Civil Aviation Department,
Union of India,
Rajiv Gandhi Bhavan,
Opp. To Safdurjung Airport,
New Delhi-110 003.

3. The Deputy Director of Administration,
O/o.Director General of Civil Aviation,
Opp. To Safdurjung Airport,
New Delhi 110 003.

4. The Regional Executive Director,
Airports Authority of India
Southern Region, Chennai Airport,
Meenambakkam, Chennai-600 027.

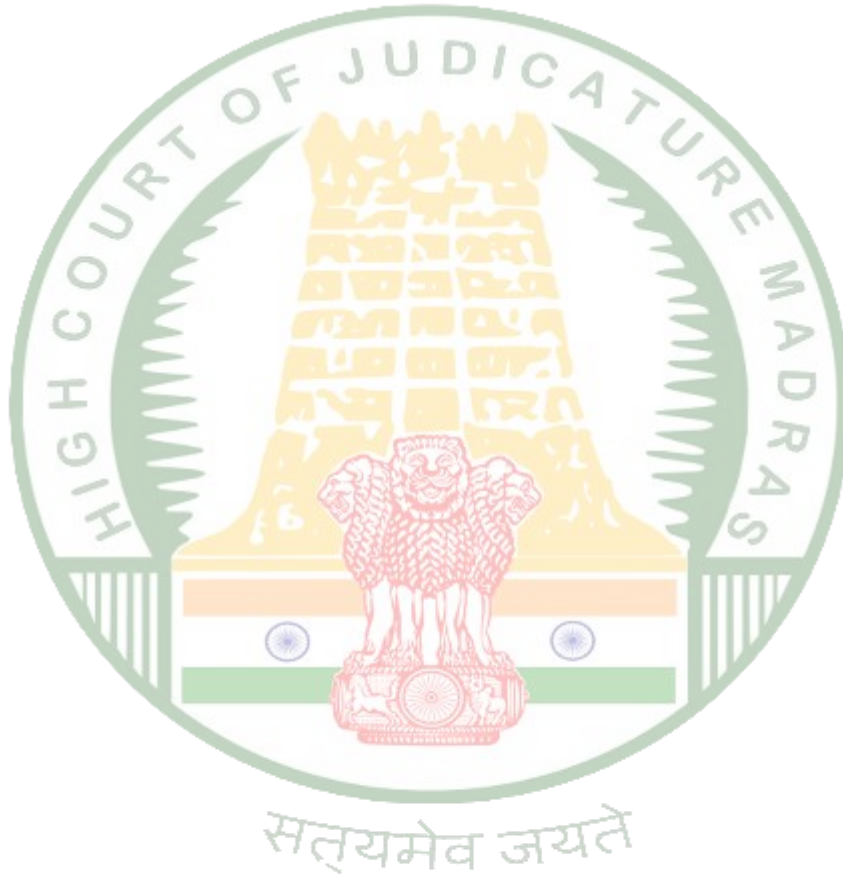
+1cc to Mr.G.Karthikeyan , Advocate SR.No. 4712

+1cc to Mr.Balan Haridas , Advocate SR.No. 4793

+1cc to Mr.M.Palanimuthu , Advocate SR.No. 4543

WP.No.1337 of 2020

A.SK(31/01/2020)



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