

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.1562 of 2020
and
W.M.P.No.1830 of 2020

K.Amaladoss,
Son of S.Kulandaisamy,
Aged about 68 years,
No.26, Mahalakshmi Nagar Extensio VII,
Nandivaram,
Guduvancherry 603 202. 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 for issuance of Writ of
Certiorarified Mandamus, calling for the concerned records
from the 1st respondent, quash the order of the 1st respondent

Tribunal passed in O.A.No.988 of 2015 dated 18.12.2018 and permit the petitioner to withdraw O.A.No.988 of 2015.

For Petitioner :Mr.R.Kamatchi Sundaresan.

For Respondents :Mr.G.Karthikeyan, Assistant
Solicitor General for R1 to R3.

Mr.M.Palanimuthu for R4.

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The petitioner was appointed by the second respondent as driver on 29.06.1985 at Ooty. After the formation of the Airports Authority of India, the petitioner was absorbed by them with effect from 02.10.1989. The petitioner had put in four years and four months of service with the Director General of Civil Aviation, Civil Aviation Department. In the above circumstances, the petitioner and All India PSU Absorbed Retired Employees Welfare Association made request to the second respondent to fix the date of the absorption as 29.06.1995 to enable him and similarly placed persons to get pension. However, the said request was not considered by the second respondent which compelled the petitioner to approach this Court by way of original application.

2.The said application viz., O.A.No.310/988/2015 was disposed of by order dated 18.12.2018 with a direction to the respondents to reconsider the matter of shifting the date of absorption in the event of law being held in favour of persons similarly placed as the applicant in the SLP filed by the respondents against the order of this Court in the Writ petitions filed before this Court and the relevant paragraph of the said order is usefully extracted as follows:

"3.Keeping in view the above submission, this O.A. is disposed of with a direction to the respondents to reconsider the matter of shifting the date of absorption of the applicant in the event of the law being held in favour of persons similarly placed as the applicant in the SLP filed by the respondents against the order of the Hon'ble High Court in the Writ Petitions cited above."

3.Mean while, the Ministry of Civil Aviation, Government of India has come out with the proceedings dated 19.03.2019 in which it is expressed that Ministry of Civil Aviation has decided to extend the benefit of combined service for grant of Government pension to the ex-CAD employees who had rendered less than 10 years of service in CAD/DGCA and later absorbed in NAA/AAI. Only condition stipulated in the

said order is to withdraw the Court cases filed by ex-employees in the various Courts / Tribunal for the shifting of date of their absorption.

4.Though the petitioner has got a favourable order before the Tribunal, the petitioner wants to set aside the said order obtained by him and to permit him to withdraw O.A.No.310/988/2015 so that he will get the benefit of the proceedings dated 19.03.2019.

5.Heard Mr.R.Kamatchi Sundaresan, learned Counsel for the petitioner and Mr.G.Karthikeyan, learned Assistant Solicitor General for the respondents.

6.Mr.G.Karthikeyan, learned Assistant Solicitor General would submit that as rightly pointed out by the learned Counsel for the petitioner, Ministry of Civil Aviation, Government of India has taken out a proceedings dated 19.03.2019 and benefit has been given to the petitioner with a condition that the proceedings initiated by the petitioner and the similarly placed persons have to be withdrawn. Therefore, the impugned order passed in O.A.No.310/988/2015 has to be set aside.

7.Further, it is seen the Hon'ble Supreme Court of India has dismissed the Civil Appeal Nos.7267-7270 of 2016 filed by Union of India & Ors. against the Division Bench Judgment of this Court on 24.01.2020 wherein the Division Bench of this Court has permitted the petitioner to withdraw his original application to avail the benefit of the proceedings dated 19.03.2019.

8.Therefore, the impugned order passed in O.A.No.310/988/2015 is set aside and the same is dismissed as withdrawn.

9.In the result, this Writ Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.Central Administrative Tribunal, Madras Bench,
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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.

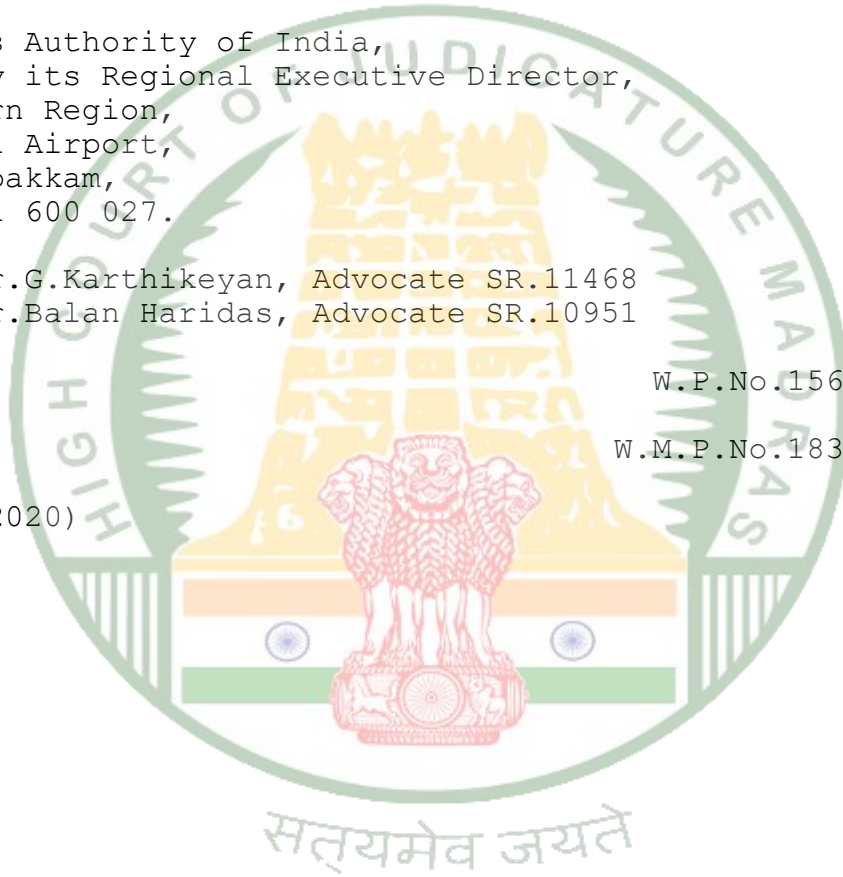
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4.Airports Authority of India,
Rep. by its Regional Executive Director,
Southern Region,
Chennai Airport,
Meenambakkam,
Chennai 600 027.

+1cc to Mr.G.Karthikeyan, Advocate SR.11468
+1cc to Mr.Balan Haridas, Advocate SR.10951

W.P.No.1562 of 2020
and
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SR(CO)
CB(04/03/2020)



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