

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.4429/2020 & WMP.No.5245/2020

N.Karunamoorthy

.. Petitioner

Versus

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

2.Union of India
rep.by the 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 6000027.

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of certiorari calling for the concerned records from the 1st respondent, quash the order of the 1st respondent Tribunal passed in OA.No.989/2015 dated 18.12.2018 and permit the petitioner to withdraw OA.No.989/2015.

For Petitioner : Mr.Balan Haridass

For RR2&3 : Mr.G.Karthikeyan, ASG

For R4 : Mr.M.Palanimuthu

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal.
- (2) The writ petitioner joined as a Chowkidar in the services of the 1st respondent on 22.04.1983 at Chennai Airport and upon formation of the 3rd respondent, his services were absorbed by the 3rd respondent with effect from 02.10.1989. The petitioner claims to have rendered 6 years and 5 months in the 1st respondent Department,
- (3) The All India Public Sector Union Absorbed Retired Employees Welfare Association as well as the applicant/petitioner herein had been making a request to the 1st respondent to fix the date of absorption on 22.04.1983, so as to enable them to avail the pensionary benefits. Insofar as the petitioner is concerned, he retired from service on 30.04.2012. However, the said request was rejected vide order dated 27.05.2015 and making a challenge to the said order, the petitioner filed OA.No.989/2015 on the file of the Central Administrative Tribunal, Chennai Bench.
- (4) The Tribunal has taken note of the fact that similar order of rejection was put to challenge by filing a writ petition which came to be allowed and the Special Leave Petition was filed before the Hon'ble Supreme Court of India and the same is pending. The Tribunal, taking into consideration of the said fact and also the submission made on behalf of the Original Applicant/writ petitioner herein that he would be satisfied if the impugned order is directed to be reviewed in the event of similarly placed as that of the applicant is granted the benefit in terms of the order to be passed by the Apex Court, had disposed of the Original Application vide impugned order dated 18.12.2018 with a direction, directing the respondents to reconsider the matter of shifting the date of absorption of the Original Applicant/petitioner herein in the event of law being settled in favour of the persons similarly placed as that of the Original Applicant in the pending Special Leave Petition.
- (5) The learned counsel for the petitioner has drawn the attention of this Court to the communication of the Deputy Director of Administration, Directorate General of Civil Aviation, Ministry of Civil Aviation, Government of India dated 19.03.2019 wherein particulars have been sought for as to the details of all such absorbee employees who have filed court cases for shifting of date of absorption and now given option to Government pension on the basis of combined service. Taking note of the same, the Tribunal, in OA.No.921/2015 filed by one

Ms.G.Geetha, permitted her to withdraw the Original Application and hence, prays for similar relief.

(6)The learned counsel for the petitioner has also invited the attention of this Court to the order dated 23.01.2020 made in WP.No.1337/2020 and would submit that in similar facts and circumstances, this Court had disposed of the said writ petition by permitting the petitioner therein to withdraw OA.No.990/2015 with certain directions and similar order may be passed in this writ petition also,

(7)The Court heard the submissions of Mr.G.Karthikeyan, learned Assistant Solicitor General of India who accepts notice on behalf of respondents 2 and 3 and Mr.M.Palanimuthu, learned counsel who accepts notice on behalf of the 4th respondent.

(8)In the light of the above facts and circumstances, the writ petition stands disposed of and the petitioner is permitted to withdraw OA.No.989/2015 on the file of the 1st respondent/Tribunal and in the event of suffering any adverse orders, the petitioner is always at liberty to avail the remedy in accordance with law before the appropriate and competent Forum. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

AP

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
Union of India, 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. Regional Executive Director,
Airports Authority of India
Southern Region, Chennai Airport,
Meenambakkam, Chennai 6000027.

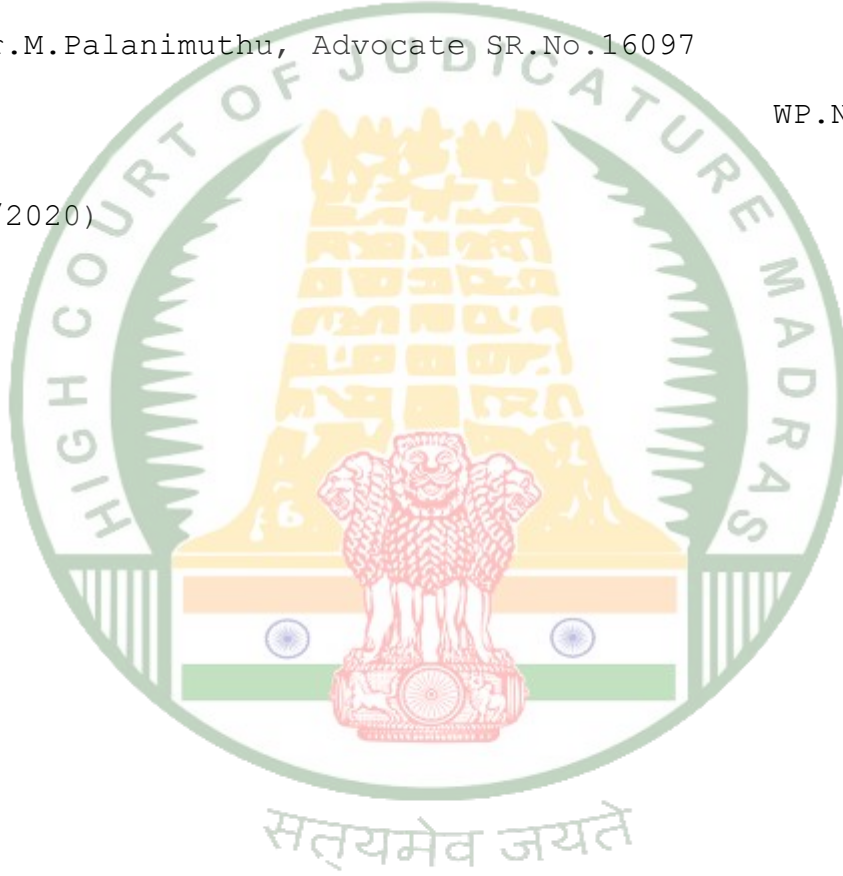
+1cc to Mr. Balan Haridass, Advocate SR.No.16088

+1cc to Mr. G. Karthikeyan, Advocate SR.No.16097

+1cc to Mr. M. Palanimuthu, Advocate SR.No.16097

WP.No.4429/2020

KK (CO)
GMY (18/03/2020)



WEB COPY