

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.3285/2020 & WMP.No.3801/2020

M.Dhanapal

... 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 its Director General of Civil Aviation
Civil Aviation Department
Rajiv Gandhi Bhavan
Opp.To Safdurjung Airport
New Delhi 110003.

3.The Deputy Director of Administration
O/o.The Director General of Civil Aviation
Opp.to Safdurjung Airport, New Delhi 110003.

4.Airports Authority of India
rep.by its Regional Executive Director
Southern Region, Chennai Airport
Meenambakkam, Chennai 600027.

... 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.967/2015 dated 20.06.2016 and permit the petitioner to withdraw OA.No.967/2015.

For Petitioner :	Mr.Balan Haridass
For R2 :	Mr.G.Karthikeyan, ASG
For R3 :	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. Mr.G.Karthikeyan, learned Assistant Solicitor General of India accepts notice on behalf of the 2nd respondent and Mr.M.Palanimuthu, learned Standing counsel accepts notice on behalf of the 3rd respondent.
- (2) The petitioner along with Tr.Santhanamuthu and Mrs.Premila Kumar, had filed OA.No.976, 966 and 968/2015 respectively on the file of the Central Administrative Tribunal, Chennai Bench, 1st respondent herein, to declare that the action of the official respondents in not shifting the date of absorption, as arbitrary and contrary to law with a consequential direction to sanction pension with effect from the dates on which the same had been extended to the employees who had filed WP.Nos.39431 to 39434/2005 and WP.Nos.14769 to 14773/2013.
- (3) The 1st respondent/Tribunal, vide common order dated 20.06.2016, had passed the common order and it is relevant to extract paragraph No.9 of the said order:-

'9 In view of the findings above, the applicants in OA.Nos.966 and 967/2015 and the husband of the applicant in OA.No.968/2015 shall be deemed to have got absorbed in the Airport Authority of India on completion of 10 years of continuous service from the date of initial recruitment in the post under the Civil Aviation Department and accordingly, pro-rata pension should be calculated and paid to the applicants in OA.Nos.966 & 968/2015. However, arrears would be paid from the date on which the Original Application was filed before the Tribunal. The applicants in OA.No.966 & 968/2015 are required to refund the gratuity already received with 9 per cent simple interest per annum. The Department will adjust the arrears and pay the balance by the applicants in OA.No.966 & 968/2015, by calculating such amount with interest at 9 per cent per annum, the applicants in OA.No.966 & 968/2015 would refund the same within a period of three months from the date on which the communication would be received. The order shall be complied with within a period of three months from the date of receipt of a copy of the order. The applicant in OA.No.967/2015 is entitled to all the abovesaid reliefs on his superannuation subject to the above condition

of refund of gratuity if any with interest. No costs.''

- (4)The learned counsel for the petitioner would submit that subsequently, the Government of India, Ministry of Civil Aviation, Directorate General of Civil Aviation, opposite to Safdarjung Airport, New Delhi-3, has sent a communication dated 19.03.2019, as to the issuing of certain directions for provision of details of absorbing employees who had filed Court cases for shifting the date of absorption and further indicated that they are also given an option for Government pension on the basis of combined service.
- (5)Attention of this Court was also invited to the order dated 28.06.2019, made in OA.No.921/2015 [G.Geetha V. Union of India represented by the Director General of Civil Aviation, Civil Aviation Department, New Delhi-3 and 2 Others], wherein the Tribunal had directed the applicant to withdraw the said Original Application.
- (6)The learned counsel for the petitioner would submit that in the light of the said communication, this Court may permit the petitioner to withdraw OA.No.967/2015 and also invited the attention of this Court to the order dated 23.01.2020 made in WP.No.1337/2020 [S.Jayagopal Vs. Central Administrative Tribunal, represented by the Registrar, Chennai Bench, Chennai and 4 others].
- (7)On the said submissions, the Court heard the submissions of Mr.G.Karthikeyan, learned Assistant Solicitor General of India appearing for the respondents 2 and 3.
- (8)In the light of the above facts and circumstances, the writ petition is disposed of and the petitioner is permitted to withdraw OA.No.967/2015 and in the event of he suffers any adverse orders, he is 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 IV)

//True Copy//

Sub Assistant Registrar

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
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+lcc to Mr.Balan Haridoss, Advocate Sr.10628
+lcc to Mr.M.Palanimuthu, Advocate Sr.11578
+lcc to Mr.G.Karthikeyan, Advocate Sr.10822

WP.No.3285/2020

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