

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 9318 of 2020
& W.M.P.No. 11376 of 2020

T.Pitchaikani .. Petitioner

Vs

- 1.The Central Administrative Tribunal Madras Bench
Rep by its Registrar, High Court Campus,
High Court Buildings, Chennai-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-27. .. Respondents

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 1st Respondent, quash the order of the 1st Respondent Tribunal passed in O.A. No. 1557 of 2014 dated 11.04.2016 and permit the petitioner to withdraw O.A.No. 1557 of 2014.

For Petitioner .. Mr.Balan Haridas

For Respondents

.. R1 - Tribunal
Mr.Karthikeyan, ASG
for R2 & R3

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed challenging the order passed by the Tribunal in O.A.No. 1557 of 2014, dated 11.04.2016, by which, the application filed was disposed of by taking into consideration the earlier order passed by this Court.

2. The learned counsel appearing for the petitioner submitted that the issue involved is no longer res integra. On a similar issue, this Court, in W.P.No. 1337 of 2020, dated 23.01.2020, was pleased to hold as follows:-

"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."

3. Thus, the learned counsel appearing for the petitioner submitted that the ratio as laid down in W.P.No.1337 of 2020 will have to be followed in the case of the petitioner as well.

4. Mr.G.Karthikeyan, learned Additional Solicitor General appearing for respondents 2 and 3 also submitted that the very same order referred by the petitioner can be passed in the present case as well.

5. Considering the above, the writ petition stands disposed of on the same terms as ordered by this Court in W.P.No. 1337 of 2020, dated 23.01.2020. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Registrar,
Central Administrative Tribunal Madras Bench
High Court Campus,
High Court Buildings, Chennai-104.
- 2.The Director General of Civil Aviation
Civil Aviation Department,
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-27.

W.P.No. 9318 of 2020

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A.SK(03/08/2020)