

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2020

CORAM

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

WP.No.19720/2020 & WMP.No.24365/2020

1. Union of India
rep.by its Secretary
Ministry of Human Resources
and Development, Shastri Bhavan
New Delhi 110 001.
2. The Commissioner
Kendriya Vidyalaya Sangathan
Head Quarters, 18, Institutional Area,
Shahid Jeetsingh Marg
New Delhi 110 016.
3. Deputy Commissioner
Kendriya Vidyalaya Sangathan
Chennai Region, IIT Campus
Chennai - 600 036.
4. The Principal
Kendriya Vidyalaya
No-II, Tambaram,
Chennai 600 020.

..Petitioners

Versus

1. G.Pethaiyan
2. The Registrar
Central Administrative Tribunal
Madras Bench,
City Civil Court Buildings
Chennai 104.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 2nd respondent [Hon'ble Central Administrative Tribunal, Madras Bench] culminating in the impugned order dated 06.02.2019 in OA.No.125

of 2019 and quash the same.

For Petitioner : Mr.Mr.M.Vaidyanathan
For R1 : Mr.R.Arumugam

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.R.Arumugam, learned Assistant Solicitor General accepts notice on behalf of the 1st respondent.
- (3) The petitioner, who is a retired Librarian under the services of Kendriya Vidyalaya Sangathan [KVS], filed OA.No.125/2019 on the file of the 2nd respondent-Tribunal, praying for quashment of the impugned Memorandum dated 21.11.2018 with a consequential declaration that he deemed to have come under the GPF [Pension Scheme] in terms of the Policy of the 2nd petitioner herein/2nd respondent in the Original Application dated 01.09.1988 with effect from 01.02.1989 and for consequential extension of the benefits of GPF [Pension Scheme] to the 1st respondent herein/Original Applicant.
- (4) The said Original Application was entertained and the contesting respondent therein, viz., KVS., has entered appearance and opposed the claim. Before the Tribunal, it was brought to the knowledge that this Court, in the matters of N.Subramanian Vs Commissioner, KVS and Others in WP.No.19215/2015 and Renuka Devi Vs. Commissioner, KVS and Others - WP.No.25354/2015, had decided the order allowing the similar Original Applications, in favour of the Original Applicants and the same has been complied with. The Tribunal has taken note of the said orders and has directed the respondents therein to review the impugned Annexure Order-A19 dated 21.11.2018 and the matter to be decided finally by the Apex Court in favour of the persons similarly placed and pass a reasoned and speaking order within a period of two months thereafter and challenging the legality of the said order, the petitioners came forward to file the present writ petition.

- (5) Mr. M. Vaidyanathan, learned counsel for the petitioners has fairly brought to the notice of this Court that the challenge made before the Hon'ble Supreme Court of India, has also ended in dismissal and would further add that despite the dismissal, the writ petitioners herein / official respondents in the Original Application, is having a very good case on hand.
- (6) Per contra, Mr. R. Arumugam, learned counsel appearing for the 1st respondent would submit that in the light of the orders passed in the above cited writ petitions, there is no merits in the present writ petition and prays for dismissal of the same.
- (7) This Court has considered the rival submissions and also perused the materials placed before it.
- (8) As rightly pointed out by the learned counsel for the 1st respondent / Original Applicant, the matter in issue is settled in the light of the orders passed in WP.Nos.19215 and 25354/2015 [cited supra] and that apart, the Special Leave Petitions challenging the same, has also ended in dismissal on 18.12.2018. It is also brought to the knowledge of this Court that the challenge made to the similar orders passed by the Tribunal, also came to be dismissed by this Court in WP.No.17165/2020 [The Commissioner, KVS and Others V. R. Amutha] dated 07.12.2020 and WP.Nos.18679 and 18758/2020 [The Commissioner, KVS and Others V. Tmt. G. Ramani and R. Shobana] dated 15.12.2020.
- (9) In the light of the same, the present writ petition stands dismissed, confirming the order passed by the 2nd respondent - Tribunal dated 06.02.2019 in OA.No.125/2019. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Registrar
Central Administrative Tribunal
Madras Bench,
City Civil Court Buildings
Chennai 104.

+1cc to Mr.Mr.M.Vaidyanathan, Advocate, SR43119
+1cc to Mr.R.Arumugam, Advocate, SR42882

WP.No.19720/2020

CO (MTI)
BDL/19/01/2021



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