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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.01.2022

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.24928 of 2021

S.Banumathi

...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 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.1210 of 2014 dated 28.09.2016 and permit the petitioner to withdraw O.A.No.1210 of 2014.



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For petitioner : Mr.Balan Haridas

For respondents: R1-Tribunal

Mr.R.Rajesh Vivekananthan

Asst. Solicitor General for RR2 & 3

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

The matter in issue pertains to sanction of pension from the date of similar benefit, extended to the similarly placed employees in W.P.Nos.14769 to 14773 of 2013.

2.The Original Application was entertained by the 1st respondent-Tribunal and reply statement has been filed on behalf of the other respondents. The Tribunal, vide the impugned order dated 28.09.2016 dismissed the application. Challenging the legality of the said order and seeking permission to withdraw the said original application, the present writ petition has been filed.

3.Mr.Balan Haridas, learned counsel appearing for the petitioner invited the attention of this Court to the communication dated 19.03.2019 sent by the Directorate General of Civil Aviation, Ministry of Civil Aviation, Government of India/2nd respondent herein and submitted that in the light of the contents of the same, the petitioner may be permitted to withdraw the main original application (O.A.No.1210 of 2014) and she may be granted liberty to take appropriate proceedings, in the event of her claim under the said proceedings is negatived.

4.Mr.R.Rajesh Vivekananthan, learned Asst. Solicitor General appearing for the respondents 2 & 3 would submit that the respondents have no objection for the withdrawal of the main original application.

5.It is relevant to extract paragraph No.2 of the communication dated 19.03.2019 sent by the 2nd 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 absorbed 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



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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 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 the O.A.No.1210 of 2014 and in the event, if she suffers any adverse orders, she is always at liberty to avail the remedy in accordance with law, before the appropriate and competent forum. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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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
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4. The Regional Executive Director
Airports Authority of India
Southern Region
Chennai Airport
Meenambakkam
Chennai - 600 027.

+1cc to Mr.R.Rajesh Vivekananthan, Advocate, S.R.No.789

W.P.No.24928 of 2021

KV (CO)
RGA (15/02/2022)