



WEB COPY



W.P.No.22720 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.22720 of 2016

1. Union of India
rep.by its Director General of Civil Aviation
Civil Aviation Department
Rajiv Gandhi Bhavan
Opp.to Safdarjung Airport
New Delhi 110 003
 2. Deputy Director of Administration
O/o Director General of Civil Aviation
Opp.to Safdarjung Airport
New Delhi 110 003
- .. Petitioners

v.

1. The Registrar
Central Administrative Tribunal
Chennai
2. K.Usha Devi



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3. Airports Authority of India
rep.by its Airports Director
Southern Region, Chennai Airport
Meenambakkam, Chennai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records from the file of the 1st respondent made in O.A.No.310/00582/2014 dated 19.06.2015 and quash the same.

For Petitioners :: Mr.P.G.Santhoshkumar
Senior Panel Counsel

For Respondents :: R1-Tribunal
No appearance for R2
Mr.R.Parthiban for R3

ORDER

(Order of the Court was made by D.KRISHNAKUMAR,J.)

This writ petition has been filed by the Union of India challenging the order passed by the Central Administrative Tribunal, Madras Bench in O.A.No.582 of 2014 dated 19.06.2015.

2. The petitioners raised a plea that the second respondent herein has not completed ten years of service and therefore she is not entitled for the



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pensionary benefits as per the relevant Rules prevalent at that time.

However, it is the claim of the second respondent that the period of service rendered in the Central Government Department as Junior Clerk before her absorption in the Airports Authority of India, has to be taken into consideration and if the said service period is calculated, she has completed ten years of service for the purpose of pensionary benefits. The Tribunal accepting the claim of the second respondent allowed the O.A., against which the present writ petition has been filed.

3. In similar circumstances, Writ Petition Nos.19415, 23137, 24398 & 28598 of 2015 filed by the Union of India against identical orders passed by the Tribunal in favour of one Savithri and other similarly placed employees, came to be dismissed by this Court vide order dated 05.02.2016 and challenging the aforesaid order, the Union of India preferred Civil Appeal Nos.7267-7270 of 2016 before the Hon'ble Supreme Court and the same were dismissed on 24.01.2020. A copy of the said decision of the Hon'ble Supreme Court has been placed before this Court.



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4. According to the contesting respondent, the issue has reached finality and therefore the present writ petition has to be dismissed, as the decision of the Hon'ble Supreme Court in Savithri's case is squarely applicable to the facts of this case. The learned counsel appearing for the petitioners did not controvert the said contention.

5. In the light of the decision of the Hon'ble Supreme Court in Civil Appeal Nos.7267-7270 of 2016 dated 24.01.2020 as well as the order passed by this Court in W.P.Nos.19415 of 2015 etc., dated 05.02.2016 in an identical matter, this writ petition stands dismissed finding no merits whatsoever to interfere with the impugned order. Consequently, interim order stands vacated and the W.M.P.No.19412 of 2016 is also dismissed. There shall be no order as to costs.

(D.K.K.,J.) (P.B.B,J.)
12.09.2023

Index : yes/no
Neutral citation : yes/no

SS



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To

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