



Writ Petition No.5010 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Petition No.5010 of 2024
and W.M.P.No.5501 of 2024**

1. Union of India,
Represented by the General Manager,
Southern Railway, Park Town,
Chennai – 600 001.

2.Chief Personnel Officer,
Headquarters Office, Personnel Branch,
Southern Railway,
Chennai.

3.Assistant Personnel Officer/ M&E,
Headquarters Office, Personnel Branch,
Southern Railway,
Chennai.

... Petitioners

Vs

1.The Registrar,
Central Administrative Tribunal,
Madras Bench High Court Building,
Chennai – 104.

2.K.Gopal

... Respondents

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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records of the Hon'ble Tribunal in its impugned order dated 21.04.2023 in O.A. 1291/2014 passed by the 1st respondent, Hon'ble Central Administrative Tribunal, Madras Bench and quash the same and pass further orders.

For Petitioners : Mr.K.Karthikeyan

ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

This Writ Petition had been filed challenging the order of the Administrative Tribunal in setting aside the rejection order passed by the third petitioner herein and directing the step-up pay of the second respondent herein on par with his junior.

2. Heard Mr.K.Karthikeyan, learned counsel for the petitioners.

3. The learned counsel for the petitioners would submit that it was the fault of the second respondent in not giving an option to claim for the increment which had been exercised by his junior, which resulted in



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differences of pay, even though, the second respondent was senior to him.

He would submit that the Tribunal had not considered this aspect and had mechanically ordered step-up of pay based on a judgment of the Hon'ble Apex Court and the Tribunal in an earlier proceedings which according to them cannot be applicable to the facts of this case.

4. We have considered the submission of the learned counsel of the petitioners and perused the materials available on record before this Court.

5. It is an admitted case that the junior of the second respondent had been given a higher pay. It is also known that from the order passed by the Tribunal that the petitioners have themselves prepared a comparative statement showing the details of the pay allowance of the second respondent as well as to his junior. It is also an admitted case that till 01.03.2003, the second respondent as well as his junior were receiving the same pay scale. Only on promotion to the post of office Superintendent-I, the pay anomaly between both their pay had started. The Tribunal had relied upon a similar judgment passed by the Central Administrative Tribunal, Chandigarh in



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coming to such a conclusion that the pay scale of the second respondent has to be stepped up on par with his junior. Even though, the learned counsel for the petitioners had tried to impress upon us on a judgment of a Central Administrative Tribunal, New Delhi, we are not in agreement with the same, as we are in concurrence with the findings of the Tribunal on the said judgment.

6. For the aforesaid reasons, we do not find any infirmity or illegality in the order impugned before us. In fine, this Writ Petition is dismissed. However there shall be no order as to cost. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (K.B., J.)
11.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
gba

To

The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Building, Chennai - 104.

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R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

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