IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.5815 of 2021

N.Remadevi ... Petitioner

Vs.

1.The Director,
Department of Pension & Pensioners Welfare,
Ministry of Personal Public Grievances & Pension,
Lok Nayk Bhavan, Khan Market,
New Delhi – 110 003.

2.The President,
Income Tax Appellate Tribunal,
4th Floor, Old CGO Building,
101, Maharishi Karve Marg,
Mumbai – 400 020.

3.The Pay & Accounts Officer,
Office of the Pay and Accounts Office,
Ministry of Law and Justice,
Department of Legal Affairs,
4th Floor, Janpath Bhavan,
New Delhi -110 001.

4.The Deputy Registrar,
Income Tax Appellate Tribunal,
A3, II Floor, Rajaji Bhavan,
Chennai – 600 090.

5.The Registrar,
Central Administrative Tribunal,
City Civil Court Building, Chennai – 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus calling for records relating to the fifth Respondent's order made in O.A. No.310/01825/2016 dated 02.06.2020, to quash the same and to consequently direct the respondents 1 to 4 to forthwith regularize the pay and other consequential fixation of revised pay at Rs.7250/- with effect from 05.04.2002 (in the scale of Rs.6,500 -10,500) and other revision in monthly emoluments as and when the same fell due on the basis of the revised LPC made in UIL:PER:3169 dated 29.01.2010 with further and appropriate refixation thereto.

For Petitioner	:	Mr.L.Chandrakumar
For Respondents	:	Ms.Anjana Pramodh for Mr.L. Inant Dinesh, Central Government Standing Counsel For R1 & R3 Tribunal – R2, R4 & R5.

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The Writ Petition has been instituted challenging the order dated 02.06.2020 passed in O.A. No.310/01825/2016 on the file of the Central

Administrative Tribunal, Chennai Bench.

2. The learned counsel for the Petitioner Mr.L.Chandrakumar, would submit that the petitioner was initially deputed from UPTRON India Limited to Income Tax Appellate Tribunal in proceedings dated 17.04.2002. She was subsequently, absorbed as a permanent employee of the Income Tax Appellate Tribunal in proceedings dated 11.03.2005. Since the permanent absorption was not granted from the date of initial deputation, the petitioner filed O.A. No.310/01754/2016. The said Original Application was rejected on 03.01.2020 and the petitioner filed W.P. No.3856 of 2020. The Division Bench of this Court allowed the Writ Petition on 03.11.2023 and the operative portion of the order reads as under:

> *"14. Now, the petitioner is ready to pay the lump sum amount to the respondent Department and he has also given an undertaking to that effect. In such circumstances, we do not find any reason for denying the said request of the petitioner for taking the service rendered by her in UPTRON India Ltd. In similar circumstances, the High Court of Rajasthan in the case of the Union of India vs. R.N.Mishra (referred to supra), dismissed the appeal filed by the Department as against the order granted in favour of the employee.*
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> *15. In view of the above, the rejection order passed by the Tribunal is liable to be set aside. Accordingly, the impugned order is set aside. The Tribunal is directed to grant the benefit of old pension scheme considering the earlier service rendered by the petitioner in the UPTRON India Ltd. as qualifying service for the purpose of pensionary benefits. It is made clear that as per the undertaking, the petitioner has to pay the lump sum amount to the respondent Department within a period of four weeks from the date of receipt of a copy of this order. Once the said amount is paid by the petitioner, the respondents are directed to consider*

the petitioner's request for granting of pensionary benefits under the old pension scheme for the qualifying service rendered by the petitioner for the UPTRON India Ltd. as well as the respondent Department as early as possible within a period of eight weeks there from."

3. The learned counsel for the petitioner, Mr.L.Chandrakumar would submit that even as per the order cited supra, the petitioner is eligible to get all the benefits since her services were regularised with effect from the initial date of deputation in the year 2002. In view of the pendency of the present Writ Petition, the benefits as ordered in W.P. No.3856 of 2020 has not been settled. Therefore, no further adjudication on merits needs to be undertaken in respect of the grounds raised in the present Writ Petition.

4. The petitioner is at liberty to approach the respondents to secure the benefits, if not already granted to her.

5. With the above observation, this Writ Petition stands disposed of. No costs.

[S.M.S., J.] **[M.J.R., J.]**

07.11.2024

Index: Yes
Speaking/Non-speaking order
rkp

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