



WEB COPY

W.P.No.4337 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.4337 of 2021

and

W.M.P.No.4929 of 2021

- 1.Union of India rep. by the Director General,
Employees' State Insurance Corporation,
CIG Road, New Delhi – 110 002.
- 2.The Director (Finance),
ESI Corporation Head Office,
Panchdeep Bhawan,
CIG Road, New Delhi – 110 002.
- 3.The Financial Commissioner,
ESI Corporation Head Office,
Panchdeep Bhawan,
CIG Road, New Delhi – 110 002.
- 4.The Deputy Director (Admin), Regional Office-Goa,
ESI Corporation-EDC,
Plot No.23, Patto-Panaji,
Goa 403 001.
- 5.The Deputy Director I/c, Sub-Regional Office,
ESI Corporation, 2nd West Street,



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KK Nagar, Madurai 625 020.

6.The Deputy Director (Finance),
ESI Corporation, Sub-Regional Office,
2nd West Street,
KK Nagar, Madurai 625 020.

7.The Deputy Director, Accounts IV,
ESI Corporation Head Office,
Panchdeep Bhawan, CIG Road,
New Delhi 110 002.

... Petitioners

Vs.

1.The Registrar,
The Central Administration Tribunal,
Madras Bench, Chennai – 600 104.

2.R.Ramabadran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the entire records of the 1st respondent and quash the order passed by the 1st respondent in O.A.No.454 of 2017 dated 26.03.2019.

For Petitioners : Mr.C.V.Ramachandramurthy

For R1 : Tribunal

For R2 : Mr.R.Malaichamy



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ORDER

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[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The writ petition has been instituted by the Union of India, represented by the Director General, Employee State Insurance Corporation, challenging the order of the Central Administrative Tribunal dated 26.03.2019 in O.A.No.454 of 2017.

2. The respondent had filed original application seeking direction for the grant of pension as applied to post 2006 retirement. The Tribunal considered the issues raised between the parties and made a finding that the respondent was entitled to a higher pension, as the pay scale from which he retired had been upgraded in the 6th Pay Commission, in light of the judicial precedent placed before the Tribunal.

3. The respondent submitted copies of the orders passed by the High Court of Delhi and the Hon'ble Supreme Court of India. Relying on these orders, the Ernakulam and Bangalore Benches of the Central Administrative Tribunal also passed orders. Since the issues raised between the parties were



no longer *res integra*, the Tribunal directed the writ petitioners herein to reconsider the case of the respondent based on his claim and consider the ratio laid down by various Courts.

4. Pertinently, the Tribunal in order impugned made a finding that the writ petitioners herein filed their counter affidavit before the Central Administrative Tribunal has not stated anything about the fixation of pension made to the respondents. The correctness of the fixation of pension for the respondent was also not explained before the Tribunal in the counter filed by the petitioners. That being so, the Tribunal directed the competent authority to reconsider the claim of the respondent based on the ratio of the judgments and orders of the Court relied upon by the petitioner and pass orders afresh by assigning reasons within a period of two weeks from the copy of the impugned order.

5. We do not find any reason to interfere with the said order, as the respondent has not explained the method of pension fixation done in the case of the respondent. The respondent before the Central Administrative Tribunal submitted various orders of the Courts, including order of the Hon'ble Supreme Court of India. Therefore, the Tribunal thought fit and directed to



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consider the case of the respondent afresh and pass orders.

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6. In view of the said finding, the present Writ Petition is liable to be rejected and accordingly dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

[S.M.S., J.] [M.J.R., J.]
19.11.2024

Index : Yes
Speaking order
Neutral Citation : Yes

Jeni

To

The Registrar,
The Central Administration Tribunal,
Madras Bench, Chennai – 600 104.



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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