**HIGH COURT FOR THE STATE OF TELANGANA**
**AT HYDERABAD**
**(Special Original Jurisdiction)**

MONDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**
**AND**

**THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

**WRIT PETITION NOS: 24933 OF 2017 AND 32776 OF 2023**

**W.P.NO.24933 OF 2017**

**Between:**

1. Union of India, represented by The Chairman, Railway Board Ministry of Railways Rail Bhavan, New Delhi.
2. General Manager, South Central Railway Railnilayam, Secunderabad.
3. The Chief Administrative Officer, South Central Railway, Rail Nirman Bhavan, Secunderabad.
4. The Financial Adviser & Chief Accounts Officer, South Central Railway, Rail Nilayam, Secunderabad.
5. The Deputy Chief Engineer (Construction-II), South Central Railway Kazipet.

**.....PETITIONERS/RESPONDENTS**

**AND**

T.N. Chandran, S/o. Narayanaan, Aged about 62 years, Retd. Highly Skilled Artisan O/o. the Deputy Chief Engineer(Construction), South Central Railway, Raichur (Now Kazipet) R/o. H.No. 2-17/1, Opp Uppal Bus Depot, Mallikarjuna Nagar, Hyderabad-500 039.

**.....RESPONDENT/APPELLANT**

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Certiorari, quashing the Order dated 08.09.2016 in O.A. no. 987 of 2015 of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, as being illegal and in violation of the relevant Statutory Rules, more particularly Rule 31 of

the Railway service Pension Rules, 1993 and Rule 2005 (a) of the Indian Railway Establishment Manua .

**I.A.NO:1 OF 2017 (WVMP. NO: 4008 OF 2017)**

**Between**

T.N. Chandran, S/o. Narayanaan, Aged about 62 years, Retd. Highly Skilled Artisan O/o. the Deputy Chief Engineer(Construction), South Central Railway, Raichur (Now Kazipet) R/o. H. No. 2-17/1, Opp Uppal Bus Depot, Mallikarjuna Nagar, Hyderabad-500 039.

**.....PETITIONERS**

**AND**

1. Union of India, represented by The Chairman, Railway Board Ministry of Railways Rail Bhavan, New Delhi.
2. General Manager, South Central Railway Railnilayam, Secunderabad.
3. The Chief Administrative Officer, South Central Railway, Rail Nirman Bhavan, Secunderabad.
4. The Financial Adviser & Chief Accounts Officer, South Central Railway, Rail Nilayam, Secunderabad.
5. The Deputy Chief Engineer (Construction-II), South Central Railway Kazipet.

**...RESPONDENTS**

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim stay granted vide order dated 02.08.2017 in WPMP.No.30892 of 2017 in WP.No.24933 of 2017 in the interest of justice.

**I.A.NO:2 OF 2017(WPMP. NO: 30892 OF 2017)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Order dated 08.09.2016 passed in O.A.No.987 of 2015 of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad pending disposal of the Writ Petition

**Counsel for the Petitioners : SRI S.VIVEK CHANDRA SEKHAR**

**Counsel for the Respondents : SRI K.R.K.V.PRASAD**

**W.P.NO: 32776 OF 2023**

**Between:**

T.N. Chandran, S/o Narayanan, aged 60 years, Occ. Retd. Highly Skilled Artisan, O/o The Deputy Chief Engineer (Construction), South Central Railway, Raichur, R/o H.No.2-17/1, Opp. Uppal Bus Depot, Mallikarjuna Nagar, Hyderabad-500039.

**.....PETITIONER**

**AND**

1. Union of India, Rep. by the Chairman, Railway Board, Ministry of Railways, Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. The Chief Administrative Officer, South Central Railway, Rail Nirman Bhavan, Secunderabad.
4. The Financial Adviser and Chief Accounts Officer, South Central Railway, Rail Nilayam, Secunderabad.
5. The Deputy Chief Engineer, (Construction), South Central Railway, Mahabubnagar-509001.

**.....RESPONDENTS**

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Certiorari by calling for the order dated 08.08.2023 in RA/021/40/2016 in O.A.No.021/987/2015 on the file of the Central Administrative Tribunal, Hyderabad and set aside and quash the said order of the Tribunal and direct the respondents to settle the pensionary benefits and pension on the last pay drawn i.e. Rs. 15,550 and grant all consequential benefits.

**I.A.NO:1 OF 2023**

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to hear the Writ Petition along with W.P. No. 24933 of 2017.

**Counsel for the Petitioner : SRI K.R.K.V.PRASAD**

**Counsel for the Respondents : SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA**

**The Court made the following COMMON ORDER**

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**
**AND**
**HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

**W.P.Nos.24933 of 2017 & 32776 of 2023**

**COMMON ORDER:** *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Since the issue involved in both the writ petitions is one and the same, they are being heard together and disposed of by way of this common order.

2. Aggrieved by the order dated 08.09.2016 passed in O.A.No.987 of 2015 by the Central Administrative Tribunal, Hyderabad (for short 'the Tribunal'), W.P.No.24933 of 2017 has been filed by the petitioners-Railways.

3. Aggrieved by the order dated 08.08.2023 passed in RA/021/40/2016 in O.A.No.987 of 2015 by the Central Administrative Tribunal, Hyderabad (for short 'the Tribunal'), W.P.No.32776 of 2023 has been filed by the respondent-applicant.

4. For the sake of convenience, the facts in W.P.No.24933 of 2017 are discussed hereunder.

5. Heard Sri Akhileshwar, learned counsel representing Sri S.Vivek Chandrasekhar, learned Standing Counsel for Railways appearing for the petitioners and Sri K.R.K.V.Prasad, learned counsel appearing for the respondent.

6. It is the case of the petitioners that initially, the respondent was appointed on casual basis and he was granted temporary status with effect from 01.01.1984 and his services were regularized with effect from 18.05.2001. Thereafter, he was granted Assured Career Progression on 02.09.2002, 1st Modified Assured Career Progression on 01.09.2008 and IInd Modified Assured Career Progression on 10.09.2012 and retired from service on attaining the age of superannuation on 31.10.2014. However, his claim for reckoning 50% of the casual labour service and 100% CL service with temporary status was rejected on the ground of non-fulfilment of the requirements specified in Rule 2005(a)

of the Indian Railway Establishment Manual. In those set of circumstances, the respondent had approached the Tribunal by filing O.A.No.987 of 2015 contending that he should be extended the aforesaid benefits.

7. The Tribunal *vide* order 08.09.2016 partly allowed the OA by directing the petitioners to count 50% of the respondent's casual labour service and full temporary service as qualified service for the purpose of extending all monetary benefits in respect of his pension and other resultant benefits within a period of three months. Further, the respondent was directed to submit a comprehensive representation ventilating his grievances raised in the OA pertaining to MACP benefit with all documentary evidence. On receipt of such representation, the petitioners were directed to consider the same in accordance with law and pass a speaking order. However, pensionary benefits were not granted in the said order. Being not satisfied with the said

order, the respondent has filed Review Application No.021/40/2016 in O.A.No.987 of 2015 was filed. The Tribunal *vide* order dated 08.08.2023 dismissed the review. Challenging the same, the respondent has filed W.P.No.32776 of 2023.

8. Learned counsel appearing for the petitioners had contended that the Tribunal has already granted relief in favour of the respondent and directed the respondent to submit a detailed representation to the petitioners and on receipt of such representation, the petitioners were directed to consider the same and pass appropriate orders. If the respondent has any grievance, let him submit a representation and the petitioners would consider the same and pass appropriate orders in accordance with law.

9. Learned counsel appearing for the respondent had contended that pensionary benefits have to be fixed based upon the last drawn emoluments of the respondent.

Therefore, appropriate orders be passed in the writ petitions by directing the petitioners to consider the representation submitted by the respondent seeking his claim for re-fixation of his pay based upon the last drawn emoluments of the respondent.

10. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that both the writ petitions can be disposed of by directing the respondent to submit a representation to the petitioners in respect of revised pensionary benefits, MACP benefits, and to count 50% of casual labour service and full temporary service as qualified service for the purpose of calculating his pension and pensionary benefits and on receipt of such representation, the petitioners shall consider the same and pass appropriate orders in accordance with law.

11. Accordingly, both the writ appeals are disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman, Union of India, Railway Board, Ministry of Railways, Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. The Chief Administrative Officer, South Central Railway, Rail Nirman Bhavan, Secunderabad.
4. The Financial Adviser and Chief Accounts Officer, South Central Railway, Rail Nilayam, Secunderabad.
5. The Deputy Chief Engineer, (Construction), South Central Railway, Mahabubnagar-509001.
6. One CC to SRI K.R.K.V. PRASAD, Advocate [OPUC]
7. One CC to SRI S.VIVEK CHANDRA SEKHAR, Advocate (OPUC
8. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA Advocate [OPUC]
9. Two CD Copies

**SA**
GJP

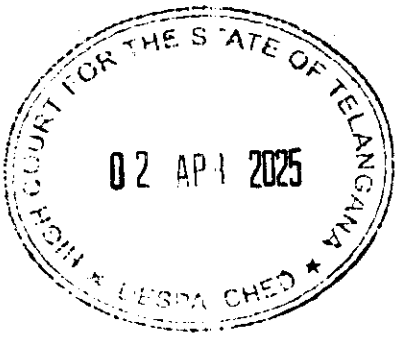
HIGH COURT

DATED:23/12/2024

COMMON ORDER

WP.Nos.24933 OF 2017

AND 32776 of 2023




DISPOSING OF THE BOTH

WRIT PETITONS WITHOUT COSTS.

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G.B
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