



WEB COPY

W.P.No.3815 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2025

CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

W.P.No.3815 of 2025
and
W.M.P.No.4223 of 2025

1.The Union of India,
Rep. by the General Manager,
Southern Railway,
Park Town, Chennai – 600 003.

2.The Senior Divisional Personnel Officer,
Southern Railway,
Madurai Division, Madurai – 625 010.

...Petitioners

Vs

V.Murugiah

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the order dated 01.02.2024 in O.A.No.1669 of 2017 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same.

For Petitioners : Mr.ARL.Sundaresan, ASG
assisted by Mr.S.Janarthanam, SPCGC



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W.P.No.3815 of 2021



ORDER

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

Heard Mr.ARL.Sundaresan, learned Assistant Solicitor General, assisted by Mr.S.Janarthanam, Senior Panel Central Government Counsel, appearing on behalf of the petitioners/Southern Railway. In view of the final order to be passed in this Writ Petition, notice to the respondent is dispensed with.

2. When the respondent herein had requested the petitioners for upgradation under the III Modified Assured Career Progression (MACP) Scheme to Grade Pay Rs.4800/- from 18.01.2012, on the ground that the second financial upgradation was given with effect from 01.09.2008 instead of 18.01.2002, his request came to be rejected by the petitioners, on the sole ground that he has not completed ten years of qualifying service under the second financial upgradation or thirty years of qualifying service from the date of his appointment. This order of rejection was put under challenge before the Central Administrative Tribunal, Chennai Bench in O.A.No.1699 of 2017. By an order dated 01.02.2024, the Tribunal had recorded that identical challenge was made before the Tribunal in O.A.No.1628 of 2017, which was disposed of by the Bench on 20.10.2023 and thereby disposed of



the Original Application in terms of the order passed in O.A.No.1628 of 2017.

3. Before the Tribunal, a reference to the earlier order passed by the Tribunal in O.A.No.1628 of 2017 was submitted by the counsels on either side and in view of the consented submissions made, the Tribunal had ventured to pass final orders. The relevant portion of the order reads as follows:-

“6. However, the learned counsels on both the sides, in unison, submitted that, as an identical issue, covered under OA 1628 of 2017, has been disposed of by a Bench of this Tribunal on 20.10.2023, and the present OA may be disposed of on the same lines.”

4. We fail to understand as to how the petitioners herein, who had requested the Tribunal to pass orders in terms of O.A.No.1628 of 2017, can now challenge the said consented order before us. When the very request to pass final orders in terms of O.A.No.1628 of 2017 was also made by the petitioners herein, they are now estopped from challenging the said consented order. On this short ground, we do not find any valid grounds to interfere with the consented order of the Tribunal.



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M.S.RAMESH,J.
AND
N.SENTHILKUMAR,J.

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5. Accordingly, the Writ Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (N.S.,J.)
19.02.2025

Index: Yes/No
Neutral Citation: Yes/No
Speaking order/Non-speaking order
hvk

To
1.The General Manager,
Union of India, Southern Railway,
Park Town, Chennai – 600 003.

2.The Senior Divisional Personnel Officer,
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Madurai – 625 010.



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