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W.P.No.5617 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.5617 of 2025
and
W.M.P.No.6200 of 2025

1.Union of India,
Chief Personnel Officer,
Southern Railway, Park Town,
Chennai.

2.The Senior Divisional Personnel Officer,
Southern Railway, Salem Division,
Salem.

...Petitioners

Vs

G.Anwar Basha

...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 13.04.2023 in O.A.No.846 of 2019 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same as illegal.

For Petitioners : Mr.N.Ramesh,
Senior Panel Counsel



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ORDER

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

Heard Mr.N.Ramesh, learned Senior Panel 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 sought for reckoning his past services as Commission bearer for the purpose of all his service benefits including pensionary benefits, etc., before the Central Administrative Tribunal, Chennai Bench (hereinafter referred to as 'the Tribunal') in O.A.No.846 of 2019, his claim was allowed by the Tribunal, by directing the petitioners to include 50% of the past services in the Catering Establishment, along with their regular Railway service till the date of his retirement for the purpose of reckoning the total qualifying service for pensionary benefits. The said order of the Tribunal is under challenge in the present Writ Petition.

3. The issue before the Tribunal was no *res integra*, since the entitlement of a Railway employee to include 50% of his past services along with Railway services for the pensionary and other service benefits, has



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already been decided by the Hon'ble Supreme Court in the case of ***Union of India Vs. Munshi Ram, dated 31.10.2022***, which judgment has been relied

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upon by the Tribunal. In the said case, the Hon'ble Supreme Court had relied upon orders by the Central Administrative Tribunal, Calcutta Bench, touching upon such entitlement of the Railway employees to have 50% of their services as Commission Vendors/Bearers for pensionary and other benefits. Likewise, reliance was also placed on orders passed by the Central Administrative Tribunal, Ernakulam Bench in the cases of Southern Railway employees. Likewise, similar orders were passed in the cases arising from South-Eastern Railway employees and Northern Railway employees. After referring to such decisions, the Hon'ble Supreme Court had held that, when the employees working in different divisions/zones in the Railways are under the very same employer, namely, the Railway Board under the Ministry of Railways, all other employees working under the same Railway Board in different divisions/zones are required to be treated similarly and would be entitled for similar benefits. It was specifically held therein that there cannot be any discrimination *inter se* among the employees of the Railway Board.

4. The present case relates to the claim made by the employee of the Southern Railway. When all other employees from the other zones have



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been extended with the benefit of inclusion of 50% of their past services as Commission Bearers, the case of the respondent also requires to be considered on par with the others, lest, it would amount to hostile discrimination. The Central Administrative Tribunal have placed reliance on *Munshi Ram's case (supra)* and had thus extended the benefit of 50% of the past services of the respondent herein as Commission Bearer. We do not find any illegality or infirmity in the same.

5. Accordingly, the Writ Petition stands dismissed with a consequential direction to the petitioners to pass appropriate orders, by including 50% of the past services of the respondent as Commission Bearer, along with his Railway service, for the purpose of reckoning the total qualifying service for pensionary and other service benefits. Such orders shall be passed, atleast within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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

Index:Yes
Neutral Citation:Yes
Speaking order
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