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W.P.No.17559 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No.17559 of 2025
and W.M.P.No.19896 of 2025

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

2.The Senior Divisional Personnel Officer,
Salem Division, Southern Railway,
Salem – 16.

... Petitioners

Vs.

V.Palaniappan

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records relating to the impugned order in O.A.No.143 of 2023 dated 21.10.2024 passed by the Central Administrative Tribunal, Chennai Bench and quash the same.



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For Petitioner : Mr.C.Samivel

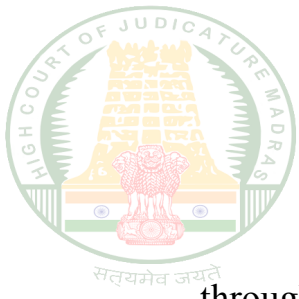
ORDER

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

Heard Mr.C.Samivel, learned counsel for the petitioners. In view of the final order to be passed in this Writ Petition, no prejudice would be caused to the respondent and hence, notice to the respondent is dispensed with.

2. The brief facts of the case are as follows:-

The respondent herein, joined the services of the petitioners in the year 1984 as a Gangman and thereafter, retired from service on 31.01.2019. When the Railway Board had issued orders Nos.212/2019 & 35/2021 wherein option was sought to be made for drawing increment either on 1st January or 1st July, the respondent has submitted his option for drawing increment on 1st January. However, his request was rejected

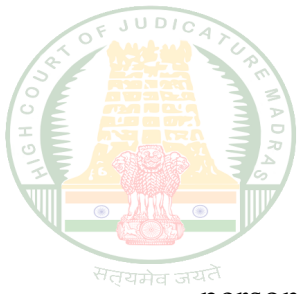


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through an order dated 06.10.2022. This rejection came to be challenged before the Central Administrative Tribunal (hereinafter referred to as 'the Tribunal') in O.A.No.143 of 2023 and by an order dated 21.10.2024, the original application was allowed by placing reliance on a similar order passed by the same Tribunal in O.A.No.238 of 2023. This order of the Tribunal is assailed in the present Writ Petition.

3. In service jurisprudence, the normal rule is that when a particular set of employees are given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so, would amount to discrimination and would be in violation of Article 14 of the Constitution of India. This legal principle has been reiterated by the Hon'ble Supreme Court in several of its decisions. In '*State of Uttar Pradesh & others Vs. Arvind Kumar Srivastava & others*' reported in **2015 (1) SCC 347**, the Hon'ble Supreme Court had reiterated this position of law and held that this principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by the Hon'ble Supreme Court from time to time postulates that all similarly situated



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persons should be treated similarly. The decision further goes to state that the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

4. In the instant case, all that the Tribunal had done, is following one of its earlier decision in O.A.No.238 of 2023 and granted relief sought for by the respondent herein. The petitioners who were the respondents before the Tribunal, have not raised any objections when the respondent herein had sought for the similar relief as passed in O.A.No.238 of 2023.

5. The learned counsel for the petitioners is also not in a position to demonstrate as to how the similar order is not applicable to the present case. While that being so, they are precluded from challenging the order before this Court, when they had failed to raise such objections before the Central Administrative Tribunal.



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6. In the light of the above observations and findings, we find no merits in this Writ Petition and accordingly, the same stands dismissed.

No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[V.L.N, J.]

03.06.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

Internet: Yes/No

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