



WEB COPY

W.P.No.31925 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.31925 of 2025

and

W.M.P.No.35745 of 2025

1. Union of India,
Rep. by its General Manager,
Southern Railway,
Chennai - 600 023.
2. The Senior Divisional Personnel Officer,
Divisional Railway Manager's Office,
Personnel Branch,
Chennai - 600 003.
3. The Senior Divisional Personnel Officer,
Divisional Office, Personnel Branch,
Southern Railway, Salem - 5.
4. The Senior Divisional Personnel Officer,
Divisional Railway Manager's Office,
Personal Branch Madurai Southern Railway,
Madurai.
5. The Finance Adviser and Chief Accounts Officers,
Southern Railway,
Chennai - 3.

..Petitioners

Vs.

1. T.K.Balaji,
S/o Kanniyappan



W.P.No.31925 of 202:



WEB COPY

2. K.Nallathambi,
S/o Kalimuthu

3. G.Venkatesan,
S/o Govindaswamy

4. M.D.Jeelani basha,
S/o M.A.Satter

..Respondents

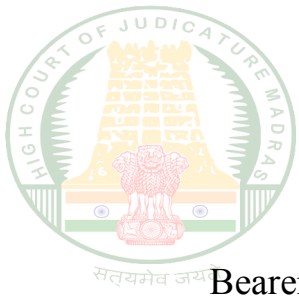
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order dated 22.03.2023 passed in Original Application No.485 of 2022 on the file of the Hon'ble Central Administrative Tribunal, Chennai Bench, and quash the same.

For Petitioner : Mr.Sakthivel.AR

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

This writ petition has been filed challenging the order dated 22.03.2023 passed by the Central Administrative Tribunal, Chennai Bench in Original Application No.485 of 2022, by which, the appellants are directed to count 50% of the past services rendered by the respondents herein in their respective dates in Catering Establishment as Server along with their Railway Service till their retirement, to reckon the total qualifying service for the purpose of pensionary benefits.



WEB COPY

2. The respondents were initially appointed as Commission Bearers in the Southern Railway Catering Establishment on 31.05.1982, 28.01.1984, 25.10.1983 & 15.06.1982 respectively, after proper selection. Thereafter, their services had been regularized as Railway Employees and they retired from service on 30.04.2020, 28.02.2022, 30.09.2021 and 31.08.2019 respectively. The respondents claimed that they are entitled for counting 50% of the past services rendered by them in catering establishment as server along with railway service till their retirement to reckon the total qualifying service for the purpose of pensionary benefits. But their claim has been rejected by the appellants. Aggrieved by the same, the respondents filed Original Application in O.A.No.485 of 2022 before the Central Administrative Tribunal. The Tribunal, based on the judgment passed by the Hon'ble Supreme Court in *Union of India v. Munsu Ram dated 31.10.2022 in Civil Appeal No.2811 of 2022*, set aside the impugned orders passed by the appellants herein and directed the appellants to count 50% of the past services rendered by the respondents in their respective dates in Catering Establishment as Server along with their Railway Service respectively till their retirement to reckon the total qualifying service for the purpose of pensionary benefit. Now, the present writ petition has been filed to set aside the order dated 22.03.2023, passed by the Tribunal.

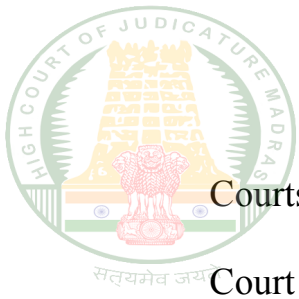


WEB COPY

3. In similar matters, the Hon'ble Supreme Court, in the case of *Union of India vs. Munshi Ram in Civil Appeal Nos.2814-2815 of 2022* dated 31.10.2022, has held that 50% of the past service of the Commission Vendors/ bearers working in the Northern Railway to be counted for pensionary benefits. The relevant portion, at paragraph No.11 of the said judgment of the Hon'ble Supreme Court, reads as follows:

11. In view of the above and for the reasons stated above and even applying the doctrine of stare decisis, on the aforesaid ground alone, the present appeals deserve to be dismissed and are accordingly dismissed, by holding that the respondents - Commission Vendors/bearers working in the Northern Railway are entitled to have 50% of their services rendered prior to their regularization to be counted for pensionary benefits like other office bearers/Vendors working under the Railway Board, working in different zones/divisions, namely, Western Railway, Eastern Railway, Southern Railway and South-Eastern Railway.

4. Following the aforesaid judgment of the Hon'ble Supreme Court, the Tribunal had set aside the impugned orders passed by the appellants herein/Union of India. The judgment of the Hon'ble Supreme Court is final which will prevail over the orders passed by the other



W.P.No.31925 of 202:

Courts. Therefore, based on the judgment passed by the Hon'ble Supreme

Court in *Union of India vs. Munshi Ram in Civil Appeal Nos.2814-2815*

WEB COPY

of 2022 dated 31.10.2022, this Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] [S.S.,J.]
01.09.2025

vsi

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

The Central Administrative Tribunal,
Chennai Bench.



WEB COPY

W.P.No.31925 of 2025:



J.NISHA BANU,J.
AND
S.SOUNTHAR,J.

Vsi

W.P.No.31925 of 2025

01.09.2025