



WEB COPY

WP No. 28768 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**WP No. 28768 of 2023
and
WMP No.28355 of 2023**

1. Union of India
Rep By Its Secretary,
Ministry Of Communications,
Department Of Posts,
Dak Bhavan Sansad Marg,
New Delhi- 110 011.
2. The Assistant Director General (Pension)
Ministry Of Communication,
Department Of Posts, Dak Bhavan,
Sansad Marg New Delhi- 110 011.
3. The Chief Post Master General
Tamil Nadu Circle, Anna Salai,
Chennai- 600 002
4. The Senior Accounts Officer
O/o.The General Manager,
(Accounts And Finance),
Tamil Nadu Circle, Ethiraj Salai,
Chennai- 600 008.
5. The Senior Superintendent Of Posts Offices
Tirunelveli Division, Tirunelveli- 627 002.

..Petitioners

Vs



1. The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai- 600 104.

2. P.Subbaiah

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records relating to the impugned order passed by the 1st Respondent i.e. Central Administrative Tribunal, Chennai Bench in O.A. No.475 of 2022 dated 03.01.2023 and quash the same.

For Petitioners: Mr.C.Samivel

For R2 Mr.R.Krishnaswamy

ORDER

(Order of the Court was made by K.Kumaresh Babu J.)

The writ petition has been filed seeking issuance of a writ of certiorari to call for the records relating to the impugned order passed by the 1st Respondent i.e. Central Administrative Tribunal, Chennai Bench in O.A. No.475 of 2022 dated 03.01.2023 and quash the same.

2. Heard the learned counsel appearing for the parties.

3. Mr.C.Samivel, learned Standing Counsel appearing for the petitioners would submit that the second respondent was appointed as Group 'D' official with effect from 11.10.2002 and had been superannuated on 31.03.2011. As he had not completed the 10 years of qualifying service, he was not benefited with



the pensionary benefits and was paid the service gratuity alone. He had earlier approached the Central Administrative Tribunal in O.A.No.526 of 2013 for the very same relief and the same was dismissed by order dated 18.12.2015. Challenging the same, the petitioners had approached this court in W.P.(MD) No.10677 of 2016, which was allowed by a Division Bench on 06.06.2017. Pursuant to the same, a Pension Payment Order dated 10.11.2017 was issued, however, the same came to be cancelled subsequently. He would submit that being aggrieved by the order of this court, a Special Leave Petition was filed in SLP(C) Diary No.13464 of 2018 and the same was tagged alongwith Civil Appeal No.2793 of 2022 and the Civil Appeal was taken alongwith a batch of cases including the Special Leave Petition filed by the petitioners and the Hon'ble Supreme Court allowed the appeal in terms of the order made in Civil Appeal No.8497 of 2019. He would further submit that the order impugned before the Tribunal could not have been interfered by the Tribunal as it is found that the second respondent had not completed the qualifying service. He would submit that since the second respondent had been appointed in the regular service only in the year 2002 and having been superannuated on 31.03.2011, he had completed the service of 8 years, 5 months and 19 days alone and therefore, he was not entitled to any pension. Hence, he seeks for the indulgence of this court.

4. Countering his arguments, learned counsel appearing for the second respondent would submit that this court, in the writ petition filed by the second



respondent in W.P.(MD) No.10677 of 2016, the Division Bench had specifically held that the services rendered by the second respondent in ED service should also be counted for reckoning the same as qualifying service. Even though the SLP was filed by the petitioners, the same, in the diary stage, came to be tagged alongwith Civil Appeal No.8979 of 2014 by order of the Hon'ble Apex court dated 27.04.2018. There has been no interim order passed by the Hon'ble Apex Court. Having issued the revised Pension Order, pursuant to the order passed by the Division Bench of this court, cancelling the same unilaterally, without any order of stay by the Hon'ble Apex Court or revision by it, is nothing but a contemptuous act of the petitioners. He would further submit that the Hon'ble Apex Court, in the above batch of cases, had specifically held that wherever pension orders have been issued and released, the same should not be disturbed and only in other cases, the petitioners were called upon to assess whether any relaxation could be given. He would further submit that only in the year 2022, in the SLP filed by the petitioners, leave came to be granted and allowed in terms of the order made in Civil Appeal No.8497 of 2019. Hence, he would submit that there is no necessity for this court to interfere with the order impugned herein, which squarely relied upon the Apex Court judgment in that regard.

5. We have heard the learned counsel appearing for the parties and perused the materials available on record.

6. The Hon'ble Apex Court in Civil Appeal No.8497 of 2019, etc., batch



had dealt with an identical issue and relying on the contention of the Government that it would be appropriate to exercise the power of relaxation vested with it under Rule 88 of the Central Civil Services (Pension) Rules, 1972, had directed it to exercise its power by relaxation. However, *inter alia*, it had specifically directed that where pension orders have already been issued, the same should not be disturbed. For better appreciation, the relevant paragraphs are extracted hereunder:-

*"We are also of the opinion that the authorities ought to consider their cases for exercising the power to relax the mandatory requirement of qualifying service under the 1972 Rules if they find the conditions contained in Rule 88 stand fulfilled in any of these cases. We do not accept the stand of the applicants that just because that exercise would be prolonged, recourse to Rule 88 ought not to be taken. The said Rules is not number specific, and if undue hardship is caused to a large number of employees, all of their cases ought to be considered. If in the cases of any of the respondents' pension order has already been issued, the same shall not be disturbed, as has been directed in the case of **Union of India & orders vs. Registrar & another** (Civil Appeal Nos.13675-13676 of 2015 decided on 24th November 2015). We accordingly allow these appeals and set aside the*



judgments under appeal, subject to the following conditions:-

*(i) In the event the Central Government or the postal department has already issued any order for pension to any of the respondents, then such pension should not be disturbed. In issuing this direction, we are following the course which was directed to be adopted by this Court in the case of **Union of India & others vs. Registrar & another** (Civil Appeal Nos.13675-13676 of 2015 decided on 24th November 2015).*

(ii) In respect of the other respondents, who have not been issued any order for pension, the concerned ministry may consider as to whether the minimum qualifying service Rule can be relaxed in their cases in terms of Rule 88 of the 1972 Rules."

7. The Tribunal, having analysed the aforesaid judgment, had found that after the orders of Division Bench of this court, a revised pension order has been issued benefitting the second respondent as early as on 10.11.2017 and the same had been cancelled under the impugned order, which had been rightly set aside by the Tribunal, in view of the direction granted by the Hon'ble Apex Court.

8. In such view of the matter, we do not find any infirmity or illegality in the order impugned herein. In fine, the writ petition stands dismissed. No order



as to costs. The connected miscellaneous petition is also dismissed.

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(C.V.K.,J.) (K.B.,J.)
05-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssk

To

The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai- 600 104.



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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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