



Writ Petition No.25137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 23.02.2026	PRONOUNCED ON 27.02.2026
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CORAM

**THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Petition No.25137 of 2024
& WMP.No.27457 of 2024**

- 1.Union of India
Rep., by The Chairman, Railway Board,
Rail Bhavan, Raisina Road,
New Delhi – 110 001.
- 2.The General Manager,
Southern Railway,
Park-Town, Chennai – 600 003.
- 3.The Principal Chief Personnel Officer,
Southern Railway, Park-Town,
Chennai – 600 003.
- 4.The Principal Chief Signal &
Tele Communication Engineer,
Southern Railway, Park-Town,
Chennai – 600 003.
- 5.The Chief Workshop Manager,
S&T Workshop,
Southern Railway,



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Podanur, Coimbatore,
Tamil Nadu – 641 023.

... Petitioners

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Vs

1.C.Sasikumar
2.M.Sakthivel
3.J.Rengarajan
4.V.Ragunathan
5.S.Gnanaraj
6.N.Gurumurthy
7.P.Raghunath
8.F.Joseph Christopher
9.T.Abish
10.V.V.Anilkumar
11.P.M.Immanuel
12.C.R.Mahalingam
13.P.Predip
14.P.Ravichandran
15.M.M.Sunil
16.R.Gopakumar
17.V.Guhan
18.B.Madhan
19.K.Ganesan
20.Y.Yesudass

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the order passed by the Central Administrative Tribunal, Chennai in O.A.No.310/00432/2021, dated 17.11.2023, quash the same and pass such further order.



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For Petitioner : Mr.AR.L.Sundaresan ASGI
Assisted by Mr.V.Chandrasekaran

For Respondents : Mr.K.Manickaraj

ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU., J.)

This writ petition has been filed to quash the order of the Central Administrative Tribunal, Chennai, made in O.A.No.310/00432/2021, dated 17.11.2023.

2. Heard Mr.AR.L.Sundaresan learned Additional Solicitor General of India assisted by Mr.V.Chandrasekaran learned counsel appearing for the petitioners and Mr.K.Manickaraj learned counsel appearing on behalf of the respondents.

3. The learned Additional Solicitor General of India appearing for the petitioners would submit that the respondents are all En-cadre employees on permanent basis at S&T Workshop, Podanur. By proceedings dated 09.04.1980, the issue relating to post in Production Control Organisation



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(PCO) at Podanur workshop was treated to be an En-cadre post w.e.f. 09.04.1980. The Railway Board by its proceedings dated 13.09.1984, had evolved a procedure by which the post in the PCO would be an Ex-cadre post, so as to draw Shop floor staffs as per requirement on tenure basis. The tenure of posting in the PCO would be five years and a staff retained in PCO beyond the said period of five years, would be given two extensions of six months each and they would also be entitled for a Special Pay admitted to the staff posted in PCO at the rate of 10% which also stood enhanced to 15% w.e.f., 01.08.1984. He would submit that with regard to the Southern Railway, the En-cadreing of post in the PCO wing was allowed to be continued. Thereafter, conscious decision had been taken to extend the Ex-cadreing of employees in various PCOs except S&T workshop at Podanur. He would submit that in the Shop floor cadre, the Technicians will have to compete for promotion and only 10% of the Technicians would reach the level of Supervisor by the time of attaining the age of superannuation.

4. On the contrary in the PCO cadre, the progression is faster and almost all the employees in the PCO reached the level of Supervisor on the



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date of attaining their superannuation. Hence, the employees in PCO wing have always been enjoying the benefit of better career progression and monetary benefits compared to the Shop floor cadres. He would submit that the En-cadre PCO employees were not entitled for the PCO allowance as claimed by them, as such allowance had been only given to Ex-cadre employees. As the tenure of cadre in PCO was fixed at five years, they should be willing to work after the period of five years in the Shop floor cadre and only then, they would be entitled to the PCO allowance.

5. He would further submit that after enjoying all the benefits much above the Ex-cadre employees by getting promotions and other monetary benefits, they had sought for grant of PCO allowance as a matter of right, which came to be rejected by the petitioners. Challenging the same, they had approached the Tribunal, in which the Tribunal under the impugned proceedings had directed the payment of PCO allowances from the date of their representation which was made in the year 2017. He would submit that the Tribunal had wholly erred in granting such a relief when the respondents are En-cadre employees, not Ex-cadre employees.



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6. He would further submit that the decision of the Railway Board of the year 1984 had not been implemented in respect of S&T workshop at Podanur, where the respondents are working and therefore, they would not be entitled for the benefits given under the said Board's decision. Even assuming that the same had been implemented, the respondents were liable to be transferred out to the Shop floor wing and in such an event, they would not have got the promotion, but they have all attained superannuation which had been benefited with higher monetary benefits than the employees in the Shop floor wing. He would submit that all these aspects have not been considered by the Tribunal in arriving at the decision impugned in this Writ Petition. Hence, he seeks indulgence of this Court.

7. Countering his arguments, the learned counsel appearing for the respondents would submit that the respondents were appointed by transfer from Shop floor to the PCO in the year 1984 at S&T workshop, Podanur and were further promoted as Junior Engineer and Senior Engineer on various dates, thereby they became the cadre staffs of the PCO. He would submit that the administration had neither made the payment of incentive bonus nor were granted with PCO allowance. He would submit that as per clause (4.4)



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of Rule 103 of the Indian Railway Establishment Code, Volume-I, “Special Pay” had been defined as an additional emolument of a post or of a railway servant considering the special arduous nature of duties/specific addition to the work or responsibilities. By an order dated 16.10.1989 of the Railway Board, the PCO staffs were allowed for Special Pay. Referring to the Railway Board proceedings, dated 13.09.2024, the staffing pattern of the PCO wing in the workshops of Indian Railways and Production units were modified. Even under the said order, the Southern Railway was excluded, but however subsequently the Southern Railway has implemented the same in respect of the PCO wing in certain workshops and remained unimplemented in certain of the other workshops including the S&T workshop, where the respondents were employed. Such non-implementation of the Board proceedings has also been admitted to by the petitioners.

8. He would submit that even under the said proceedings, it had been categorically indicated that the quantum of Special pay that is admissible to a staff posted in the PCO also stood enhanced to 15% w.e.f., 1st August, 1984. He would submit that when PCO allowance had been envisaged for



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the workers of the PCO, there cannot be any discrimination of such allowance to the En-cadre and Ex-cadre staffs. Such would amount to a discrimination which would be violative of the Article 14 of the Constitution of India. When the Code governing the service conditions of the staff, entitles a staff on consideration for payment of Special allowance, such allowance cannot be denied to the respondents just because they are En-cadre staffs by claiming that only for Ex-cadres staffs would only be entitled for such allowances. He would submit that the Tribunal had rightly held that the right of the respondents that they are entitled for PCO allowances and therefore, prays this Court to dismiss the Writ Petition.

9. We have considered the rival submissions made by the learned counsels appearing on either side and perused the materials placed on record.

10. The *lis* that is to be resolved in this Writ Petition is as to whether the respondents who were the En-cadre staffs of the PCO wing namely at the PCO Unit of S&T workshop at Podanur would be entitled for the PCO allowance.

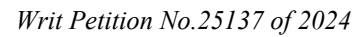


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11. Sub Clause 4.4 of Rule 103 of the Indian Railway Establishment Code Vol.-I defines a “Special Pay”, which would mean an addition to the emoluments of a post or of a Railway servant which is made in consideration of special arduous nature of duties or specific addition to the work or responsibility. By a subsequent Railway Board's decision of the year 1989, the Special Pay was allowed to the PCO Wing and the same had not been disputed to by the petitioners. The petitioners had also placed on record a proceedings of the Chief Personnel Officer, dated 09.04.1980, treating the post in the PCOs as a cadre post.

12. It is also to be noted that the options were given to the employees working in the PCO who had retained their lien in their Shop floor either to remain in the PCO or to go back to the Shop floor. Separate seniority was also sought to be maintained in the PCO Wing independently and it has also been made clear that once they had opted for being absorbed in the PCO Wing, their avenue of promotion would only be in the PCO alone and they will not be considered for promotion in the Shop floor.





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15. It is also to be noted that such code had been promulgated in exercise of powers under Article 309 of the Constitution of India and have all statutory force. When a Special Pay in the nature of PCO allowance had been envisaged, there can be no discrimination of an Ex-cadre or En-cadre employee, as all employees who are working in either as En-cadre or Ex-cadre, carry out the same duties which was taken into consideration for conferring such Special Pay on them.

16. In such view of the matter, we are of the considered view that the arguments of the learned Additional Solicitor General of India that the PCO allowance would only be payable to an Ex-cadre and not an En-cadre employee is liable to be rejected.

17. The Tribunal had also categorically noted that the respondents have all been appointed on a subsequent dates namely the Board proceedings of the year 1984. Even though a decision had been taken by the Railway Board as early as in the year 1984 to only treat all the post in PCO Wing only as an Ex-cadre post, the failure to implement the same by the



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Southern Railway particularly to the S&T Workshop at Podanur cannot be put against the respondents for no fault of theirs. Even assuming that the PCO allowance would be payable only to an Ex-cadre employee i.e., to say having consciously taken a decision to only treat all the post as the Ex-cadre post, non-implementation of the same in the S&T Workshop at Podanur is the fault of the petitioners.

18. As we have already held that there can be no discrimination between Ex-cadre and the En-cadre employees, we propose not to traverse any further on the effect of non-implementation of the Board Proceedings, dated 13.09.1984.

19. For the aforesaid reasons, the Writ Petition fails and accordingly, the same is dismissed. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.

(C.V.K.,J.)

(K.B., J.)

27.02.2026

Index: Yes/No
Speaking Order/Non Speaking Order

12/14



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Neutral Citation:Yes/No
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To

1.The Central Administrative Tribunal, Chennai.



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C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU., J.

Pbn

Pre-Delivery Order in
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