



WEB COPY

WP No. 32329 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

**THE HON'BLE MR JUSTICE P.VELMURUGAN
AND
THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

**WP No. 32329 of 2023
and
WMP No. 31939 of 2023**

1. Union Of India,
Rep By Its General Manager,
Southern Railway,
Park Town, Chennai- 600 003.
2. The Divisional Personnel Officer,
Southern Railway, Salem Division,
Salem- 636 016.

..Petitioner(s)

Vs

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

..Respondent(s)

Prayer: Writ Petition filed under Section 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order in O.A.No.70/2015 dated 08.09.2022 and in R.A.No.01/2023 in O.A.No.70/2015 dated 26.04.2023 passed by the Hon'ble Central Administrative Tribunal, Chennai Bench-the 2nd Respondent herein and quash the same.



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For Petitioner(s): Mr.C.Samivel
For Respondent(s): Mr.B.Pachaiyappan for R1
R2- Tribunal

Order
(Order of the Court was made by P.VELMURUGAN,J.)

The present Writ Petition has been filed to quash the orders passed by the Central Administrative Tribunal, Chennai Bench, (hereinafter referred to as ‘the Tribunal’) made in O.A.No.70 of 2017, dated 08.09.2022 and R.A.No.01 of 2023 in O.A.No.70 of 2017, dated 26.04.2023.

2.The 1st respondent herein, who was engaged as a Man Mazdoor in the Southern Railways, was granted temporary status with effect from 21.04.1974. Thereafter, he was promoted to various posts. While he was working as Pointsman-A, he met with an accident on 26.09.2007 and was declared unfit vide proceedings of the Medical Superintendent dated 12.03.2009. Thereafter, the 1st respondent was accommodated in a supernumerary post and he continued in the said post till upto 11.05.2011. In the meantime, he was declared ‘medically unfit for all medical categories and future services in Indian Railways’ with effect from 28.01.2011. While he was in service in the supernumerary post, he sought for voluntary retirement through an application dated 16.02.2011, which came to be accepted by the Department. Consequent upon his retirement, the 1st respondent was granted invalid pension as per Rule



55 of the Railway Services (Pension) Rules, 1993, however, without disability pension. Aggrieved against the same, the 1st respondent had given a representation to the 2nd petitioner herein on 20.08.2014 seeking for disability pension. Since the said representation was not considered, the 1st respondent had filed an Original Application in O.A.No.70 of 2015 before the Tribunal, which was allowed on 08.09.2022 with a direction to the petitioners to extend the benefit of disability pension in terms of Rule 10 of the Railway Services (Extraordinary Pension) Rules, 1993, together with other attendant benefits. Challenging the said order, the petitioners preferred a Review Application in R.A.No.1 of 2023 in O.A.No.70 of 2015, which was dismissed by the Tribunal on 26.04.2023. These orders of the Tribunal are put under challenge in the present Writ Petition.

3.The learned counsel for the petitioners would submit that the 1st respondent was an employee governed under the Employees Compensation Act, 1923 and he was given the benefit as per the said Act. Since the employee falls under Rule 55 of the Railway Services (Pension) Rules, 1993, he was granted the invalid pension and in addition to that, the employee's son was also appointed on compassionate grounds, in lieu of his voluntary retirement. The learned counsel submitted that Rule 2 of the Railway Services (Extraordinary Pension) Rules, 1993, will not apply to all Railways servants other than those to whom the Employee's Compensation Act, 1923, applies. The learned counsel



further submits the Tribunal ought to have considered the fact that the disability pension is applicable only to employees mentioned in Para 6 of Schedule III of Railway Services (Extraordinary Pension) Rules, 1993, even if they are covered under the Employees Compensation Act, 1923 and thus, the Tribunal had erred in allowing the Original Application filed by the employee. Therefore, the learned counsel sought for setting aside the order of the Tribunal.

4.Per contra, the learned counsel appearing for the 1st respondent would submit that, when the petitioners themselves have admitted that the benefits of Railways Services (Extraordinary Pension) Rules, 1993, would be applicable to employees who are appointed prior to 31.12.2003, they cannot now reject the claim of the 1st respondent seeking for disability pension, since he had joined the Indian Railways in the year 1974. The learned counsel placed reliance on Rule 10 of the Railway Services (Extraordinary Pension) Rules 1993, which stipulates that “when disablement of a Railway servant is conceded as due to Railway service as per Rule 4, the employee shall be awarded disability pension”, and submitted that the petitioners ought to have granted the said benefit and thus, sought for dismissal of the Writ Petition.

5.Heard the learned counsel on both sides and perused the materials available on record.



6. Admittedly, the 1st respondent herein was engaged as a Man Mazdoor in the Southern Railways and thereafter promoted to various posts. While he was working as Pointsman-A, he met with an accident and was declared unfit vide proceedings of the Medical Superintendent. However, while he was accommodated in a supernumerary post, he was declared 'medically unfit for all medical categories and future services in Indian Railways'. While he was in service in the supernumerary post, he sought for voluntary retirement through an application, which came to be accepted by the Department. Subsequently, the 1st respondent was granted invalid pension as per Rule 55 of the Railway Services (Pension) Rules, 1993, however, without disability pension, for which he had made a representation before the concerned authorities. When the said request was rejected, he had filed an Original Application before the Tribunal. After hearing both the parties, the Tribunal had allowed the Application and directed the Department to grant disability pension to the employee within a stipulated time. Challenging the same, the present Writ Petition is preferred.

7. It is not in dispute that the 1st respondent's son was granted appointment on compassionate grounds and the 1st respondent was also granted invalid pension as per the Rules. Since the 1st respondent had accepted the aforesaid benefits and he was treated as a workman under the Employee's Compensation Act, he cannot now deny that he was not a workman, but only a Railway servant and seek for disability pension. The Tribunal, having failed to test the claim



against the specific parameters of Rule 10 of the Railway Services (Extraordinary Pension) Rules, 1993, had committed an error apparent on the face of record. The 1st respondent was declared medically unfit under normal Rules and not on account of duty-related injury. Hence, this Court is of the view that invalid pension granted under Rule 55 of the Railway Services (Pension) Rules, 1993, is admissible and the 1st respondent is not entitled for Extraordinary Pension under Rule 10.

8. For all the foregoing reasons, the orders passed by the Tribunal in O.A.No.70 of 2015 dated 08.09.2022, as well as R.A.No.01 of 2023 in O.A.No.70 of 2015, dated 26.04.2023, are set aside. However, this order will not preclude the employee from receiving any other pensionary benefits admissible under the normal rules. Accordingly, the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(P.V.,J.) (K.G.T.,J.)
16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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



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AND
K.GOVINDARAJAN THILAKAVADI J.

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