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the Union of India Vs V Murugaiah

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Court : Chennai

Decided On : Feb-19-2025

Judge : Honourable Mr Justice M.S. Ramesh,Honourable Mr.Justice N.Senthilkumar

Appeal No. : WP/3815/2025

Appellant : the Union of India

Respondent : V Murugaiah

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH AND THE HON'BLE MR.JUSTICE N.SENTHILKUMAR and W.M.P.No.4223 of 2025 1.The Union of India, Rep. by the General Manager, Southern Railway, Park Town, Chennai - 600 003. 2.The Senior Divisional Personnel Officer, Southern Railway, Madurai Division, Madurai - 625 010. ...Petitioners Vs V.Murugiah ...Respondent PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for

the records pertaining to the

order dated 01.02.2024 in O.A.No.1669 of 2017 on the file of the Central

Administrative Tribunal, Chennai Bench and quash the same. For Petitioners : Mr.ARL.Sundaresan, ASG assisted by Mr.S.Janarthanam, SPCGC

ORDER

(Order of the Court was made by M.S.RAMESH,J.) Heard Mr.ARL.Sundaresan, learned Assistant Solicitor General, assisted by Mr.S.Janarthanam, Senior Panel Central Government Counsel, appearing on behalf of the petitioners/Southern Railway. In view of the final

order to be passed in this Writ Petition, notice to the respondent is dispensed

with.

2. When the respondent herein had requested the petitioners for

> upgradation under the III Modified Assured Career Progression (MACP) Scheme to Grade Pay Rs.4800/- from 18.01.2012, on the ground that the second financial upgradation was given with effect from 01.09.2008 instead of 18.01.2002, his request came to be rejected by the petitioners, on the sole ground that he has not completed ten years of qualifying service under the second financial upgradation or thirty years of qualifying service from the date of his appointment. This order of rejection was put under challenge before the Central Administrative Tribunal, Chennai Bench in O.A.No.1699 of 2017. By an order dated 01.02.2024, the Tribunal had recorded that identical challenge was made before the Tribunal in O.A.No.1628 of 2017, which was disposed of by the Bench on 20.10.2023 and thereby disposed of

the Original Application in terms of the order passed in O.A.No.1628 of 2017.

3. Before the Tribunal, a reference to the earlier order passed by the

> Tribunal in O.A.No.1628 of 2017 was submitted by the counsels on either side and in view of the consented submissions made, the Tribunal had ventured to pass final orders. The relevant portion of the order reads as follows:- 6. However, the learned counsels on both the sides, in unison, submitted that, as an identical issue, covered under OA 1628 of 2017, has been disposed of by a Bench of this Tribunal on 20.10.2023, and the present OA may be disposed of on the same lines.

4. We fail to understand as to how the petitioners herein, who had

> requested the Tribunal to pass orders in terms of O.A.No.1628 of 2017, can now challenge the said consented order before us. When the very request to pass final orders in terms of O.A.No.1628 of 2017 was also made by the petitioners herein, they are now estopped from challenging the said consented order. On this short ground, we do not find any valid grounds to interfere with the consented order of the Tribunal.

M.S.RAMESH,J.

AND

N.SENTHILKUMAR,J.

hvk

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. (M.S.R.,J.) (N.S.,J.) 19.02.2025 Index:Yes/No Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk To 1.The General Manager, Union of India, Southern Railway, Park Town, Chennai - 600 003. 2.The Senior Divisional Personnel Officer, Southern Railway, Madurai Division, Madurai - 625 010.

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