

(2021) 05 KL CK 0078

In the High Court Of Kerala

Case No : Original Petition (CAT) No. 30 Of 2021

Shajakhan M

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 07-05-2021

Acts Referred:

Citation : (2021) 05 KL CK 0078

Hon'ble Judges : Devan Ramachandran, J;Kauser Edappagath, J

Bench : Division Bench

Advocate : Elvin Peter P.J, K.R. Ganesh, Gouri Balagopal, A. Dinesh Rao

Final Decision : Disposed Of

Judgement

Devan Ramachandran, J

1. The petitioner has approached this court calling into question the order of the learned Central Administrative Tribunal, which has disposed of his

Original Application filed before it, not on its merits, but directing the respondents to consider Annexure A3 representation.

2. Sri.K.R.Ganesh, learned counsel appearing for the petitioner, contended that the learned Central Administrative Tribunal could not have merely

directed consideration of Annexure A3 representation, because his client is entitled to the benefit of the Scheme, as per which, employment is eligible

to the sons of voluntarily retired officials. He submitted that his client ought to have been, therefore, deemed to have voluntarily retired and his son

ought to have been granted the benefit under the said Scheme.

3. Sri.Dinesh Rao, learned standing counsel appearing for the Southern Railways, however, submitted that the Scheme under which employment had

been earlier offered to sons of officials who had voluntarily retired, is no longer in

force; and therefore, that it would have been better for the learned CAT to have considered the Original Application on its merits.

4. On hearing Sri.Dinesh Rao as afore, Sri.Ganesh submitted that, if the stand of the Southern Railway is that there is no such Scheme at present, then, obviously the consideration of Annexure A3 representation would bear no fruit. He also, therefore, sought that the Original Application be directed to be disposed of by the learned CAT on merits.

5. When we considered the afore submissions, it is clear that the issue as to whether there is a Scheme in force in the Southern Railway is itself under dispute. Therefore, no purpose would be served in Annexure A3 representation being disposed of, as has been ordered by the learned Central Administrative Tribunal.

6. We are, therefore, of the firm view that the learned Central Administrative Tribunal must dispose of the Original Application filed by the petitioner on its merits.

In the afore circumstances, we allow this Original petition and set aside Ext.P3 order of the learned Central Administrative Tribunal, Ernakulam

Bench and direct it to dispose of the Original Application bearing No.180/00131/2021, filed by the petitioner, on its merits, as expeditiously as is possible.