

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.21086 of 2016

Date:30.6.2016

Between:

Union of India, repto by the
Chairman, M/o Railways,
New Delhi and two others.

.....Petitioners

And:

The Central Administrative Tribunal,
repto., by its Registrar, Hyderabad
and another.

....Respondents

Counsel for the petitioners: Mrs. Chintalapudi Lakshmi

Counsel for the Respondents: None appeared

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The Union of India and two others filed this Writ
Petition feeling aggrieved by order, dated 17.3.2016, in
O.A.No.021/01457/2014 on the file of the Central
Administrative Tribunal, Hyderabad Bench, Hyderabad
(for short 'the Tribunal').

Respondent No.2 who is an employee of South

Central Railways filed the above-mentioned O.A. for the following three reliefs:

- (i) that he is eligible to avail the option for Transport Allowance of Rs.7,000/- per month + Dearness allowance;
- (ii) that the action of recovery, without notice, for the amount already drawn from April, 2012 to July, 2014 is not sustainable; and
- (iii) for restoration of Transport Allowance of Rs.7,000/- per month.

The learned Tribunal while rejecting the reliefs (i) and (iii), however, granted relief claimed in (ii) supra following the earlier order, dated 05.02.2013, in O.A.No.363 of 2012 of the Principal Bench.

Smt Chintalapudi Lakshmi Kumari, learned Standing Counsel for the petitioners, has not disputed that respondent No.2 is similarly situated as that of the applicants in O.A.No.363 of 2012. She is unable to state whether the afore-mentioned order of the Principal Bench was challenged before any forum or not.

Since respondent No.2 is identically situated as the applicants in O.A.No.363 of 2012, the learned Tribunal was legally justified in extending the same relief to respondent No.2 as was granted to the applicants in O.A.No.363 of 2012 by the Principal Bench.

In the absence of any plea by the petitioners that the above-mentioned order of the Principal Bench is not in force by virtue of any order of a superior forum, we do not find any illegality in the order of the learned Tribunal in following the previous order of the Principal Bench.

For the above-mentioned reasons, we do not find any reason to interfere with the impugned order of

the learned Tribunal. Hence, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.25857 of 2016 filed by the petitioners for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*30th June 2016
DR*