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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 22642 of 2015

S.Ramamoorthi

(Ex-junior works Manager, Engine Factory,
Avadi), 19, Red Hills Road, Ram Nagar, Ambattur
PO, Chennai-600 053.

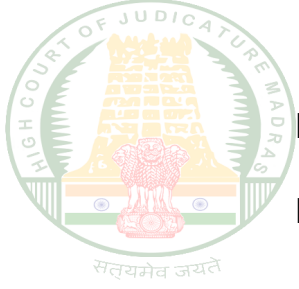
..Petitioner(s)

Vs

1. The Union of India
Rep. by the Secretary, Ministry of Defence
Production, DHQ (PO), New Delhi-110 011.
2. The Secretary
Ordnance Factory Board, No.10A, S.K.Bose
Roade, Kolkatta-700 001.
3. The General Manager
Engine Factory, Avadi, Chennai-600 054.
4. The Principal Controller
of Accounts (FYs), Ordnance Factory Board,
No.10A, S.K.Bose Road, Kolkatta-700 001.
5. The Central Administrative Tribunal,
Rep. by its Registrar, City Civil Court
Buildings, Chennai-600 104.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 5th respondent pertaining to the impugned order in O.A.No.128 of 2012, dated 08.04.2015 and quash the same and direct the respondent to re-fix the pay in accordance with OM No.16/6/2001-Esst.Pay, dated 14.02.2006 and 04.01.2007.



For Petitioner(s):

Mr.Vijayakrishnan

For Respondent(s):

Mr.M.Ramamoorthi for R1 to R4
R5 - Tribunal (CAT)

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ORDER**(Order of the Court was made by S.M.Subramaniam J.)**

The present writ petition has been instituted challenging the order of the Central Administrative Tribunal, Chennai Bench, dated 08.04.2015 passed in O.A.No.128 of 2012.

2. The original applicant before the Central Administrative Tribunal is the writ petitioner before this Court. The petitioner was originally appointed as a Chargeman Grade II (NT/OTS). He applied for the post of Civilian Officer Grade-II in Border Roads Organisation against the advertisement of UPSC. He was selected and appointed to the said post on 18.12.1991. Subsequently, he was transferred to Engine Factory at Avadi. He served at Engine Factory at Avadi and retired from service in the year 2011. After a lapse of one year from the date of retirement, he filed Original Application before the Tribunal seeking a direction to refix his pay in accordance with OM.No.16/6/2001-Estt.Pay.1 dated 14.02.2006 and 04.01.2007.

3. The issue considered by the Tribunal is regarding the applicability of OMs dated 14.02.2006 and 04.01.2007. The findings of the Tribunal is that the case of the writ petitioner is not falling under FR 15(a). The writ petitioner got appointment in a different service, but in view of his lien being retained for a period of two years, he was taken back to the earlier service to the post of



Chargeman Grade-II following acceptance of his resignation from GREF service in Border Roads Organisation vide order dated 01.02.1994. Thus, the instructions in DOPT's OM dated 14.02.2007 read with OM dated 04.01.2007, does not apply to case of the writ petitioner.

4. This Court has also gone through the scope of the clarification regarding fixation of pay in case of employee who seeks transfer to a lower post in FR 15(a), GOP OM dated 14.02.2006. Perusal of the said Official Memorandum would show that the facts relating to the case of the writ petitioner would not fall under FR 15(a), since he was initially appointed in Border Roads Organisation and subsequently, transferred to Engine Factory at Avadi. That apart, he retired from service in the year 2011 and filed an application in the year 2012. Now, he seeks retrospective fixation of pay with effect from 2006.

5. In view of the above factum, the petitioner has not established any right for considering the relief as such sought for in the original application and in the present writ petition. Consequently, the Writ Petition stands dismissed. No costs.

(S.M.S.,J.) (N.S.,J.)
16-07-2026

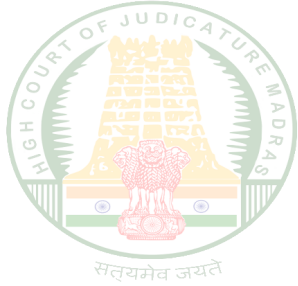
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI



To

1. The Secretary, Union of India,
Ministry of Defence Production, DHQ (PO),
New Delhi-110 011.
2. The Secretary
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**S.M.SUBRAMANIAM, J.
and
N.SENTHILKUMAR, J.**

vsi

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