

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

W.P. Nos.27506 to 27513 of 2013

1. Union of India
rep by Secretary
Ministry of Personnel
Public Grievance and Pensions
Department of Personnel & Training
New Delhi.
 2. Union of India
rep. by Secretary to Government
Ministry of Defence
New Delhi.
 3. The Controller General of Defence Accounts
Ulan Batar Road, Delhi Cantonment
New Delhi 110 010.
 4. Principal Controller of Defence Accounts
(Factories) No.10-A, S.K.Bose Road
Kolkatta 700 001.
 5. Controller of Finance & Accounts
(Factories) Accounts Office
Heavy Vehicle Factory
Avadi, Chennai 600 054.
- ...Petitioners in all W.Ps.

Vs

K.Vadivelu	... R1 in W.P.27506/2013
G.M.Bairavan	... R1 in W.P.27507/2013
P.Nagarajan	... R1 in W.P.27508/2013
B.S.C.Christian	... R1 in W.P.27509/2013
D.Nagarajan	... R1 in W.P.27510/2013
R.Palani	... R1 in W.P.27511/2013
V.Manoharan	... R1 in W.P.27512/2013
S.Murugan	... R1 in W.P.27513/2013
2.The Central Administrative Tribunal Madras Bench, High Court Buildings Chennai 600 104.	... R2 in all W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the second respondent culminating the impugned order dated 27.11.2012 in O.A.No.1035, 1036, 1037, 1032, 1038, 1033, 1034 and 1039 of 2011 respectively and quash the same.

For Petitioners : Mr.V.T.Balaji, CGSPC
For Respondents : Mr.Karthick Mukundan [for R1]
R2-Tribunal

C O M M O N O R D E R

K.K.SASIDHARAN, J.

These writ petitions are directed against the common order dated 27 November 2012 in O.A.Nos.1032 to 1039 of 2011 allowing the Original Applications filed by the first respondent in all these writ petitions by quashing the order dated 30 April 2010 re-designating the post of 'Record Clerk' as 'Multi Tasking Staff' along with peon, Daftary, Jamadar, Frash, Chowkidar, Safaiwala, Mali, Junior Gestetner Operator.

2. We have heard the learned counsel appearing on behalf of the petitioners and the learned counsel for the first respondent in all these writ petitions.

3. The first respondent in all these writ petitions [hereinafter respondents] were all initially appointed to the post of Group 'D'. Subsequently, they were given promotion to the post of Record Clerk, which is stated to be a Group 'C' post.

4. The Ministry of Personnel, Public Grievances & Pensions, Government of India, in its Office Memorandum dated 30 April 2010 proposed to re-designate all the Group 'D' posts as 'Multi Tasking Staff'. It was confined to Group 'D' posts. There was no reference about Group 'C' post re-designated as 'Multi Tasking Staff'.

5. The petitioners by misinterpreting the Office Memorandum dated 30 April 2010, issued an order dated 19 May 2010 re-designating the post of Group 'D' as 'Multi Tasking Staff'. In the said order, it was also mentioned that the Record Clerk classified as Group 'C' would also be re-designated as 'Multi Tasking Staff'. Since the order dated 19 May 2010 was not in line with the decision taken earlier by the Ministry, which is found in Office Memorandum dated 30 April 2010, the respondents filed Original Application before the Tribunal. The Central Administrative Tribunal found that the order impugned in the

Original Applications was not in accordance with the Office Memorandum dated 30 April 2010. The impugned order was therefore, quashed.

6. The Office Memorandum dated 30 April 2010 contained a clear statement to the effect that only the Group 'D' posts in the Government will stand upgraded to Group 'C', Pay Band-1 with Grade Pay of Rs.1,800/-. It is a matter of record that the respondents were already promoted to the post of Group 'C'. Merely because it was mentioned in the Office Memorandum dated 30 April 2010 that the Group 'D' post in Government Ministry is upgraded to Group 'C', it would not give a right to the petitioners to include the post of Record Clerk, which is classified as Group 'C' as a 'Multi Tasking Staff'.

7. The Central Administrative Tribunal considered the issue raised by the respondents and the order impugned in the Original Applications was rightly quashed. We do not find any error or illegality in the said order warranting interference by exercising the jurisdiction under Article 226 of the Constitution of India.

8. We are also informed that the petitioners have already implemented the order passed by the Central Administrative Tribunal by making amendment to the order dated 19 May 2010. In any case, we do not find any reason to interfere with the common order passed by the Central Administrative Tribunal.

In the upshot, we dismiss the writ petitions. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

gms
To

The Central Administrative Tribunal
Madras Bench, High Court Buildings
Chennai 600 104.

+1cc to mr.Karthick, Advocate Sr. 43235

W.P. Nos.27506 to 27513 of 2013

SS(CO)
VR(27/07/2017)