

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.14065 of 2018
and W.M.P.Nos.16621 and 16622 of 2018

Union of India,
Rep. by The Secretary,
Ministry of Environment, Forest &
Climate Change, Indira Paryavaran
Bhavan, Jorbagh Road, Aliganj,
New Delhi 110 003. .. Petitioner

-vs-

1.Dr.M.Thalamadai Karuppiah
2.The Central Administrative Tribunal,
Rep. by its Registrar, Madras Bench,
Chennai 600 104. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of 2nd respondent and quash the order dated 22.09.2016 made in O.A.No.310/01388/2015 as the same is unsustainable.

For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mr.R.Malaichamy for R-1
: R-2 Tribunal

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner-Union of India has preferred this petition being aggrieved by the order dated 22.09.2016 passed by the Central Administrative Tribunal, Madras Bench, in O.A.No. No.310/01388/2015 preferred by the first respondent.

2.The first respondent was working as Scientist 'C' and had been promoted as Scientist 'D' with effect from 23.08.2016. In the aforesaid O.A., the first respondent had prayed for directions to the present petitioner, i.e., Union of India, to

consider his name for the post of Scientist 'D' along with other eligible candidates as on 01.07.2015 under the Modified Flexible Complementing Scheme in the interview to be held on 07.10.2015 or any other date and publish the promotion list of the candidates from Scientist 'C' to Scientist 'D'. Thus, the first respondent was seeking retrospective promotion with effect from 01.07.2015.

3.The learned counsel for the petitioner submitted that they are willing to grant promotion to the first respondent from 01.07.2015, subject to the first respondent undergoing an evaluation process.

4.It is not disputed that the other Scientists from Group 'C', who were promoted on 01.07.2015, underwent an evaluation process.

5.In view of the statement made by the learned counsel for the petitioner that the first respondent would be granted promotion with retrospective effect from 01.07.2015 subject to his undergoing an evaluation process, we do not find it necessary to pass any further orders. However, we make it clear that if the petitioner does not successfully pass the evaluation process and if the order is adverse, it would be open to him to challenge the same in accordance with law.

The writ petition is disposed of with the above observations. No costs. Consequently, W.M.P.Nos.16621 and 16622 of 2018 are closed.

Sd/-
Assistant Registrar(co)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sra

To

1.The Secretary to Govt. of India,
Ministry of Environment, Forest &
Climate Change, Indira Paryavaran
Bhavan, Jorbagh Road, Aligani,
New Delhi 110 003.

2.The Central Administrative Tribunal,
Rep. by its Registrar, Madras Bench,
Chennai 600 104.

+1cc to Mr.V.Chandrasekaran, Advocate SR.NO.69593

+1cc to Mr.R.Malaichamy, Advocate SR.NO.69740

CA(CO)

sm:25.10.2018

W.P.No.14065 of 2018



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