

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition Nos. 28491 of 2017 and 5050 of 2018
and W.M.P.Nos. 30611 of 2017 and 6227 of 2018

1. Union of India
rep. By Secretary to the
Government of India
Ministry of Corporate Affairs
5th floor, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi
 2. The Regional Director (Southern Region)
Ministry of Corporate Affairs,
Shastri Bhavan, 5th Floor,
26, Haddows Road, Chennai
 3. The Registrar of Companies - Tamilnadu
Shastri Bhavan, II Floor,
26, Haddows Road, Chennai
 4. The Official Liquidator, High Court Madras
Corporate Bhavan, II Floor,
29,Rajaji Salai, Chennai
- 1.....Petitioners in W.P.No.28491 of 2017

सत्यमेव जयते
Vs

1. N.Valli
2. K.Manivannan
3. G.Sreekumari

4. Central Administrative Tribunal
Rep. By its Registrar,
Madras Bench,
Chennai

...Respondents in W.P.No.28491 of 2017

1. Union of India
rep. By Secretary to the
Government of India
Ministry of Commerce and Industry,
Department of Industrial Policy and Promotion
Udhyog Bhavan, New Delhi
2. The Salt Commissioner,
Lavan Bhawan,
2A, Lavan Marg, Jhalana Dungari
Jaipur, Rajasthan.
3. The Deputy Salt Commissioner,
Tamilnadu, Chennai
Shastri Bhavan, II Floor,
26, Haddows Road, Chennai
...Petitioners in W.P.No.5050 of 2018

Vs.

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Madras
2. R.Thenmozhi ...Respondents in W.P.No.5050 of 2018

Prayer in W.P.No.28491 of 2017: Writ Petition filed under Article 226 Constitution of India to quash the impugned Judgment and Order dated 23.11.2016 passed by the 4th respondent in original application being O.A.No.310/01459/2015 and to pass ad-interim order of stay on the operation of the impugned order and Judgment dated 23.11.2016 passed by the 4th respondent in O.A.No.310/01459/2015, pending disposal of the writ application.

Prayer in W.P.No.5050 of 2018: Writ Petition filed under Article 226 Constitution of India to quash the order dated 23.11.2016 passed in O.A.No.310/01419 of 2015 on the file of the 1st respondent.

In W.P.No.28491 of 2017
For Petitioners : Mr.V.Chandrasekaran

For Respondents : Mr.P.Ulaganathan
for R1 to R3

In W.P.No.5050 of 2018

For Petitioners

: Mr.A.Murugan

For Respondents

: Mr.P.Ulaganathan
for R2

C O M M O N O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The Central Administrative Tribunal, Madras Bench allowed the original application filed by the respondents and a direction was issued to extend them the benefits of 1st and 2nd Financial Upgradation and consequential benefits. The order is under challenge at the instance of Union of India.

2. We have heard the learned counsel for the petitioners. We have also heard the learned counsel for the respondents.

3. The Tribunal entertained the Original Applications and granted the prayer on the basis of the Judgment rendered by the Ernakulam Bench of the Tribunal in O.A.No.107 of 2011.

4. The Original Application filed by T.P.Leena, Junior Hindi Translator, working at Cochin was allowed by the Ernakulam Bench of the Tribunal by order dated 27.09.2011. The said order was challenged before the High Court of Kerala. The High Court dismissed the Writ Petition. The Ministry had complied with the order by extending the financial upgradation to the petitioners in the Original Application.

5. The compliance of the order passed by the Ernakulam Bench made the Tribunal to pass a similar order in favour of the respondents.

6. Similar orders were also passed by the Madras Bench of the Tribunal in O.A.Nos.1459 and 1419 of 2015. Those orders were upheld in the Writ Petitions filed by the petitioners herein.

7. The issue raised by the petitioners has attained finality, in view of the dismissal of the Special Leave Petition filed against the Judgment rendered by the Kerala High Court in T.P.Leena's case. Since the issue has become final, the Tribunal was justified in directing the petitioners to extend the benefits to the respondents

taking into account the Modified Assured Career Progression Scheme. We are therefore of the view that there is no merit in the Writ Petitions filed by the petitioners.

8. The Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssd
To

1. The Secretary ,
Union of India
Government of India
Ministry of Corporate Affairs
5th floor, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi
2. The Regional Director (Southern Region)
Ministry of Corporate Affairs,
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Shastri Bhavan, II Floor,
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4. The Official Liquidator, High Court Madras
Corporate Bhavan, II Floor,
30, Rajaji Salai, Chennai Central Administrative Tribunal
Rep. By its Registrar,
Madras Bench,
31, Chennai
5. The Registrar
The Central Administrative Tribunal,
Chennai

+1cc to Mr.P.Ulaganathan , Advocate SR.No. 63088

+1cc to Mr.V.Chandrasekaran , Advocate SR.No. 63667

Writ Petition Nos. 28491 of 2017 and 5050 of 2018

and W.M.P.Nos. 30611 of 2017 and 6227 of 2018

mr (CO)

A.SK(09/09/2019)