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W.P. No.3317 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P. No.3317 of 2017
and WMP.Nos.3283 and 3284 of 2017

1.Union of India

Rep.by Secretary Ministry of Labour
and Employment
Shram Shakthi Bhavan, 2 & 4
Rafimarg, New Delhi 110 001.

2.Director General/Joint Secretary to

Government of India
Employment and Training
Ministry of Labour and
Employment Shram Shakthi Bhavan, 2 & 4
Rafimarg, New Delhi 110 001.

3.Director Advance Training Institute

Directorate General of Employment and Training
Ministry of Labour and Employment
Government of India
Guindy, Chennai 32.

.. Petitioners

Versus



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1.V.Sundararajan
Steno ATI, Chennai
Stenographer Grade II
Advanced Training Institute
Directorate General of Training
Ministry of Skill Development &
Entrepreneurship
(Formerly Directorate General of
Employment and Training
Ministry of Labour and Employment)
Government of India
Guindy, Chennai 32.

2.The Registrar
Central Administrative Tribunal
High Court Campus
Chennai 104.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, to call for the records in connection with OA.No.844/2014 on the file of the second respondent and quash the same in so far it relates to the petitioners and forebear the respondents from taking coercive steps against the petitioners.

For petitioners : Mr.V.Balasubramanian SPCGOI

For respondents : Mr.Menon Karthik Mukundan
Neelakantan, for R1
R2-Tribunal



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ORDER

(The Order of the Court was made by D.KRISHNAKUMAR, J)

This petition has been filed to quash the proceedings of the second respondent dated 10.09.2015 in OA.No.844/2014.

2. It is the case of the petitioners that the first respondent was appointed as Stenographer Grade III in the Advance Training Institute, DGET Ministry of Labour, GOI, Guindy, Chennai, on 06.02.1987, in the scale of pay of Rs.1200-2040. Subsequently, the first respondent submitted a representation to the petitioners for grant of revised scale of Rs.1400-2600 attached to the post of Stenographer in terms of DOPT OM No.28034/1/88-Estt (D), dated 06.02.1989, 28034/1/88-Estt (D) dated 09.02.1990 and No.22034/5/87-Estt(D), dated 30.01.1991, but the same was not considered. Hence, the first respondent filed OA.No.844 of 2014 before the Central Administrative Tribunal, Chennai seeking for a direction to the petitioners herein to place him in the revised pay scale of Rs.1400-2600 and other



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consequential relief. The second respondent Tribunal by an order dated 06.03.2014 and pass a speaking order. The petitioners disposed of the said representation on 11.02.2016. The first respondent finding that the order is not favourable to him filed contempt petition. As the petitioners have no other option, filed this Writ Petition.

3. According to the petitioners, though a detailed rejection order has been passed by the petitioner Department, the respondent herein filed Contempt Petition before the Tribunal alleging that they have not complied with the order of the Tribunal in proper perspective.

4. The learned counsel for the first respondent submitted that the Tribunal while disposing OA.No.844 of 2014 by its order dated 10.09.2015 made certain observations and directed the petitioners herein to consider the representation of the petitioner. Further, the petitioners have not filed any Review Application against the said order as they could not find any apparent error on the said order and even they took time for complying the



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said order. However, by an order dated 11.02.2016, they denied the relief granted by the Tribunal, which is totally offending the observations/directions in the judgment dated 10.09.2015 by the Tribunal. The relevant portion of the order of the Tribunal dated 10.09.2015 reads as follows:

"9.While the applicant has sought for a direct relief from the Tribunal itself regarding his claims in this OA, it would not be possible for us to give specific directions in terms of the dates on which the applicant should be considered for promotion/upgradation on the basis of his eligibility based on the RRs and his seniority among those eligible. It is entirely for the respondents to examine the claim of the applicant taking into account the facts submitted by him, verify it from his service records, determine the number of posts of Stenographer Grade III that would have to be upgraded as on 06.02.1989, determine the dates on which promotion/upgradations would be due to the applicant, his fitness in terms of the ACRs for the relevant years and other material facts and pass appropriate orders. We, therefore, direct that the respondents shall consider the representation dated 06.03.2014 of the applicant, which has not yet been disposed of by them in the light of the observations made



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herein and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. In the event of the dates of upgradation/promotion of the applicant being advanced as a consequence thereof, a revised pay fixation shall be made notionally but the applicant shall be entitled to arrears only for the period commencing from three years immediately before the date of filing of this OA i.e., from 16.06.2011. No orders as to costs."

5. The specific allegation of the first respondent herein is that the said observation of the Tribunal was not duly considered in the order passed by the appellant Department, which violates the order of the Tribunal.

6. The learned counsel for the first respondent now submitted that the first respondent will be satisfied, if his representation is considered afresh in the light of the above said order.

7. In reply, the learned Standing Counsel appearing for the petitioner Department would fairly agree that the aforesaid observations made in paragraph 9 of the said order will be duly considered by the petitioner Department and pass a reasoned fresh order.



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8. In the light of the above submissions, this Court directs the petitioner Department to consider the representation of the petitioner afresh and pass orders on merits and in accordance with law, within a period of twelve weeks, after taking into consideration of the observations made by the Tribunal in its order dated 10.09.2015, without any influence on the rejection order already passed by the Department.

9. With the above observations, the said Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J] [P.D.B., J.]
13.10.2023

Speaking order: Yes/No
Index : Yes/No
Note: I.T. on next week
pvs

To
The Registrar
Central Administrative Tribunal
High Court Campus, Chennai 104.



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D.KRISHNAKUMAR, J.
and
P.DHANABAL, J.

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