



W.P.No.33871 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.33871 of 2022
and
W.M.P.No.33353 of 2022

The Senior Director,
Centre for Development of Advanced Computing (C-DAC),
TIDEL Park, Tharamani,
Chennai – 113
Rep through Mr.L.R.Prakash .. Petitioner

Vs.

- 1.V.Sridharan
- 2.The Union of India,
Rep by its Secretary to Government of India,
Ministry of Electronics and Information Technology,
Electronics Nikethan, CGO Complex,
6, Lodhi Road, New Delhi – 003.
- 3.The Director General,
Centre for Development of Advanced Computing (C-DAC),
Pune – 008.
- 4.The Manager (Admin),
Centre for Development of Advanced Computing (C-DAC),
Tidel Park, Tharamani,
Chennai – 113. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of



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India, praying for issuance of a Writ of Certiorari, to call for the records pertaining to the records of the Impugned Interim Order dated 06.12.2022 of the Central Administrative Tribunal, Madras Bench in O.A.No.310/001050/2022 and quash the same.

For Petitioner : Mr.R.Sankaranarayanan
Additional Solicitor General of India
for Mr.A.Mohamed Ismail

For R1 to R4 : No Appearance

ORDER

(Order of the Court was delivered by R.HEMALATHA, J.)

The present Writ Petition is filed to call for the records pertaining to the records of the Impugned Interim Order dated 06.12.2022 of the Central Administrative Tribunal, Madras Bench in O.A.No.310/001050/2022 and quash the same.

2. Heard Mr.R.Sankaranarayanan, learned Additional Solicitor General of India appearing for the petitioner and perused the entire materials on record.

3. The 1st respondent herein is working as Scientist and he has not been screened for promotion to the post of Scientist G as his score in APAR for 2021 is below 6.



4. Challenging the same, he filed O.A.No.310/001050/2022 before the Central Administrative Tribunal, Madras Bench. Along with the said application, he also filed a petition for grant of interim stay. The Central Administrative Tribunal, Madras Bench vide his order dated 07.12.2022 passed the following orders:-

“Learned counsel for the applicant submits that the applicant is working as Scientist F and he has not been screened for promotion to the post of Scientist G as his score in APAR for 2021 is below 6. It is further submitted that his APAR for 2021 was not completely assessed by the First Level Appraiser and Second Level Appraiser. According to the applicant the rejection of the candidature of the applicant placing reliance on 2021 APAR is against instructions of the Department and it is bad in law. As per instructions APAR for the year 2021 should be ignored and 2017 APAR should be considered for screening. The interview for selection to the post of Scientist G is going to be held shortly.

Learned counsel for the respondents vehemently opposes the relief sought by the applicant and submits that the assessment process for the year 2021 has been completed on 07.04.2022.

In view of the submissions made by the learned counsel for



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the applicant prima facie case is made out for grant of interim relief to the applicant. In the circumstances, we deem it appropriate to direct the respondents to permit the applicant to participate in the interview process and the result of the selection in respect of the applicant will be kept in the sealed cover and promotion to the post of Scientist G will be subject to the outcome of this OA.”

5. Challenging the said interim order, the present writ petition is filed.

6. Mr.R.Sankaranarayanan, learned Additional Solicitor General of India appearing for the petitioner would contend that the main prayer in the original application and the prayer in the interlocutory application are one and the same and that the Central Administrative Tribunal has passed a blanket order by granting the interim stay directing the present writ petitioner to permit the 1st respondent to participate in the interview process and result of selection in respect of the applicant/1st respondent should be kept in a sealed cover and that the promotion to the post of Scientist G would be subject to the outcome of OA.

7. Now, the writ petitioner has filed an affidavit dated 30.01.2023



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Consequently, the connected miscellaneous petition is closed.

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(V.M.V., J) (R.H., J)
30.01.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

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1. The Secretary to Government of India
Union of India,
Ministry of Electronics and Information Technology,
Electronics Nikethan, CGO Complex,
6, Lodhi Road, New Delhi – 003.
2. The Director General,
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Pune – 008.
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and
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