



W.P.No.25295 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

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1.P.Murali

2.K.Hemanandakumar

3.N.S.Thanikachalam

4.E.Janarthanan

5.S.Saravanamoorthy

6.M.Anthony Raj

... Petitioners

Vs.

1.Union of India,
Secretary to Government,
Ministry of Defence, South Block,
New Delhi -1.

2.Ordnance Factory Board,
Represented by its Chairman,
10-A, S.K.Bose Road,
Ordnance Factory Road,
Kolkatta- 700 001.

3.General Manager,
Engine Factory,
Avadi, Chennai – 600 054.



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4.J.Sivakumar

5.M.Sivasankaran

6.S.Sivanesan

7.G.Murugesan

8.S.A.Umapathy

9.SC/ST and Minorities Welfare Association,
Rep. By its General Secretary M.Rajendran,
Engine Factory, Avadi, Chennai – 600 054.

10.M.Saravanan

11.T.P.Gowthaman

12.V.Sankar

13.R.Rajendran

14.V.S.Ramesh

15.V.Sudhakar

16.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai – 600 104.

17.D.Chenthilvelan

18.N.Srinivasan

19.S.Ravikumar

20.R.Harikrishnan

21.A.Alagarsamy



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22.B.Saravanan

23.A.S.Prabakaran

24.R.Saravanan

25.P.Jayalakshmi

26.B.P.Mohan

27.S.Kanniyakumari

28.N.Manoharan

29.P.Kumaresan

30.R.Rajasekaran

31.S.Thiruvenkadam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the 16th respondent in its order dated 29.08.2013 made in O.A. 1399 of 2011 and order No.1-1/OFBDd/A/Rev/(SCT) (VOL) dated 07.12.2010, issued by the 2nd respondent quash the same.

For Petitioner	: Mr.Karthick Rajan for Mr.Karthick, Mr.Mukundan & Mr.Neelakandan
For Respondents	: Mr.N.Ramesh (for R1 - 3) Central Government Standing Counsel No appearance (for R4 – 7) Notice not ready (for R8) Mr.R.Rajeshkumar (for R9 – 11) Mr.Prabhakaran (for R12 – 15) for M/s.Paul & Paul

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)



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The petitioners are general category candidates serving in Engine Factory at Avadi. The Original Application was filed before the Central Administrative Tribunal to set aside the order No.1-1/OFBDD/A/Rev/(SCT) (VOL) dated 07.12.2010 issued by the 2nd respondent/ Ordnance Factory Board.

2. The Tribunal in paragraph No.8 of the order impugned issued following directions,

“8.In the above circumstances, we are of the considered view that when the matter is pending before the Hon'ble Supreme Court and taking into account that any decision rendered at this juncture by this Tribunal would adversely affect the interest of either of the parties, in the interest of justice, we direct the respondent to go on with the process of revision of seniority but with the condition that any revision would be subject to the result of the SLP (Civil) 30621/2011 pending before the Hon'ble Supreme Court.

9. With the above direction, the OA is disposed of. Consequently, MA.843/2011 and MA.12/2013 are also disposed of. No costs.”

3. Mr.Karthick, the learned counsel for the petitioners would mainly contend that, pursuant to the order of the Tribunal, the respondents have revised



the seniority, affecting the promotional prospects of the petitioner, who all are in general category. It is implemented with retrospective effect, more specifically during the pendency of SLP(Cvl).No.30621 of 2011 before the Hon'ble Supreme Court of India. When the Tribunal in the impugned order has stated that, the revision would be subject to the result of SLP, the petitioner would be aggrieved in the event of such retrospective revision on seniority and on account of long pendency of the appeal before the Hon'ble Supreme of India.

4. In this regard, the learned counsel for the petitioners would rely on the sworn affidavit filed on behalf of the 3rd respondent, wherein the 3rd respondent/ General Manager, Engine Factory, Avadi, has stated as follows,

“The Order has been given in taking care of both sides interest. The Hon'ble Tribunal, Madras Bench Order in OA 1399 of 2011 has also catered to the interests of the Petitioners by putting a condition that the revision is subject to the result of the SLP (Civil) 30621/2011 pending before the Hon'ble Supreme Court, which means that if the Judgement in SLP (Civil) 30621/2011 comes in favour of the Applicants in OA 1399 of 2011, the Respondents have to, once again, recast the seniority of the industrial employees to benefit the petitioners. This exercise will be impeccably followed by the Respondents on receipt of the Judgement in Hon'ble Supreme Court of India in SLP (Civil) 30621/2011.”



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5. Litigants' appointment, promotion or service benefits would not confer any right to claim such benefits on permanent basis. Therefore, the beneficiaries of the Central Administrative Tribunal's order and their promotions or otherwise, are subject to the final order to be passed by the Hon'ble Supreme Court of India in SLP(Cv)No.30621 of 2011. Merely based on the longevity of litigation, the person, who secured relief on the basis of the Tribunal order, cannot claim any future benefits or their retention in the promoted category or otherwise.

6. It is made clear that all the benefits extended to the person based on the impugned order passed by the Tribunal is to be revised after passing of the order by the Hon'ble Apex Court in SLP. Since the Tribunal also has stated that the revision is subject to SLP, we would like to further emphasise that revision granted pursuant to the Tribunal order would not provide any right to the employees to secure such benefits from and out of the order from the Tribunal, but all such benefits are subject to the final order to be passed by the Supreme Court of India and the 3rd respondent has made an affidavit that further revision, if required would be effected based on the orders to be passed by the Hon'ble Apex Court.



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7. Since the order of the Central Administrative Tribunal issued mainly on the ground that SLP between the parties are pending, we have no choice to adjudicate the merits involved in this case.

8. On these clarifications, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

[S.M.S., J.]

[M.J.R., J.]

14.11.2024

Index: Yes/No

Speaking/Non-speaking order

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To

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Represented by its Chairman,
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