



WP No.15282 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WP No.15282 of 2024

R.Shanthakumari

: Petitioner

versus

1.Union of India,
Represented by the Chief Administrative Officer (P),
Personnel Division,
Bhabha Atomic Research Centre,
Central Complex,
Trombay,
Mumbai-400 085.

2.Chief Administrative Officer,
Bhabha Atomic Research Centre Facilities,
Nuclear Recycle Board,
Kalpakkam-603 102.

3.The Central Administrative Tribunal,
Madras Bench,
Represented by its Registrar,
Chennai-600 104.

: Respondents



WP No.15282 of 2024

PRAAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the common order of 3rd respondent Tribunal made in OA.No.195 of 2022 dated 10.01.2024 and quash the same, insofar as the petitioner is concerned, consequent to direct the respondents 1 and 2 to restore the petitioner's initial appointment in the grade of Tradesman-D with all consequential.

For the Petitioners : Mr.R.Makaichamy

For the Respondents : Mr.S.Diwakar
Senior Panel Counsel
for respondents 1 and 2
third respondent-Tribunal

ORDER

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

This Writ Petition is filed challenging the order in OA.No.195 of 2022 dated 10.01.2024 passed by the Central Administrative Tribunal and consequently, direct the respondents 1 and 2 to restore the petitioner's initial appointment in the grade of Tradesman-D with all consequential benefits.



WP No.15282 of 2024

Brief facts of the case:

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2.1. The petitioner was appointed on 19.02.1998 as Tradesman 'D', for in the pay scale of Rs.4500-7000. On completion of probation period, the respondents arbitrarily re-designated the petitioner as Tradesman 'C' carrying lower pay scale of Rs.4000-6000. Similarly re-designated Tradesmen at BARC, Mumbai, challenged the arbitrary impugned order of the respondents before the Central Administrative Tribunal, Mumbai Bench in O.A.No.736 of 2000. The Central Administrative Tribunal, by order dated 18.02.2002, allowed the said OA in favour of those persons. Thereafter, the respondents herein filed appeal before the High Court of Bombay in WP No.2356 of 2002. The said writ petition came to be dismissed by the High Court of Bombay on 05.07.2018. The order of the Tribunal, Mumbai Bench, was implemented vide order dated 11.01.2019.

2.2. After the order passed in OA No.736 of 2000 has been given effect to, the petitioner herein had made a representation dated 28.06.2019 to the respondents claiming the same benefit. The second respondent, by order dated 29.04.2020, rejected the said representation, on the ground that



WP No.15282 of 2024

the petitioner was not a party in the aforesaid OA No. 736 of 2000.

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2.3. Aggrieved by the said rejection order, the petitioner filed the instant OA No.195 of 2022 before the Central Administrative Tribunal, Chennai Bench. The Tribunal, by a common order dated 10.01.2024 dismissed the said original application on the ground of delay and laches and further held that the petitioner has not challenged the policy decision as well as his absorption order. Hence, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that the order passed in WP No.2356 of 2002 is applicable to the facts of the present case. He further submitted that since it was a policy decision taken by the department, the law of delay and laches would not apply for challenging the aforesaid proceedings of the respondent Department. Hence, he seeks for setting aside the common order passed by the Tribunal and allowing the writ petition.



WP No.15282 of 2024

4. Learned Senior Panel Counsel appearing for the respondent

Department reiterated the submissions made before the Tribunal.

5. Heard the parties and perused the materials available on record.

6. We have gone through the order passed by the Tribunal. The contention of the petitioner has been discussed and well considered by the Tribunal. With regard to implementation of policy decision, the Tribunal has stated that before implementing the said policy decision taken by the Department, the Department has given wide publicity. Further, the petitioners have accepted the said policy decision of the Department and subsequent promotion, and did not have any grievance for the aforesaid decision taken by the Department.

7. It is seen that similarly placed persons have filed original application before the Tribunal, Bombay Bench and succeeded in the aforesaid original application. Challenging the said order, the respondents herein filed writ petition and the same came to be dismissed by the High



WP No.15282 of 2024

Court of Bombay. Thereafter, this petitioner suddenly woke up and made representation to the respondent herein, after a lapse of 20-22 years seeking similar relief as granted to similarly placed persons in OA No.736 of 2000. When the representation was rejected on the ground that he was not a party in OA No.736 of 2000, the petitioner herein had approached the Tribunal and the same was dismissed on the ground that the Central Administrative Tribunal Act has clearly prescribed the limitation period for challenging the order passed the respondent Department. If the petitioner was aggrieved by the aforesaid policy decision taken by the Department in the year 1999, he ought to have approached the Tribunal within the time as prescribed under the Central Administrative Tribunal Act. But he has not done so. Considering from any angle, there is no grounds to interfere with the order of the Tribunal. Consequently, there is no merit in the writ petition. In fine, the writ petition stands dismissed. There shall be no order as to costs.

[D.K.K., J.] [K.B., J.]
14.06.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

6/8



WP No.15282 of 2024

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WP No.15282 of 2024

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WP No.15282 of 2024

14.06.2024