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W.P.Nos.18672, 18674 and 18678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.Nos.18672, 18674 and 18678 of 2024

J.Pannerselvam

... Petitioner in
W.P.No.18672/2024

V.J.Biju

... Petitioner in
W.P.No.18674/2024

V.R.Devidas

... Petitioner in
W.P.No.18678/2024

Vs.

1. Union of India, rep. 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,
Nuclear Recycle Board, Kalpakkam 603 102.

3. The Central Administrative Tribunal,
Madras Bench,
Rep. by its Registrar, Chennai 600 014.

... Respondents in
all writ petitions



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PRAYER in the Writ Petitions: Writ Petition filed under Article 227 of the Constitution of India, calling for the records pertaining to the common order of the third respondent Tribunal made in O.A.Nos.197/2022, 198/2022 and 199/2022 dated 10.01.2024 and quash the same, in so far as the petitioner is concerned, consequently direct the respondents 1 and 2 restore the petitioner's initial appointment in the grade of Tradesman-D with all consequential benefits.

In all writ petitions

For Petitioners : Mr.L.Jaivenkatesh, Standing Counsel

For Respondents : Mrs.A.L.Gandhimathi, Senior Counsel
for Mr.M.Kamalanathan for first respondent

Mr.S.Prabhakaran, Govt.Advocate
for third respondent

No appearance for second respondent

COMMON ORDER

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

All the writ petitions have been filed to quash the common order passed by the Tribunal made in O.A.Nos.197/2022, 198/2022 and 199/2022 dated 10.01.2024 and quash the same, in so far as the petitioners are concerned and consequently direct the respondents 1 and 2 restore the



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petitioners' initial appointment in the grade of Tradesman-D with all consequential benefits.

2. Since all the writ petitions have been filed as against the common order passed by the Tribunal, the matters were taken up together and disposed of by this common order.

3. The brief facts leading to the filing of the writ petitions are as follows.

The petitioners were appointed on 19.02.1998 as Tradesman 'D', in the pay scale of Rs.4500-7000. On completion of probation period, the respondents arbitrarily re-designated the petitioners 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



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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.

3.1. After the order passed in OA No.736 of 2000 has been given effect to, the petitioners herein had made representations to the respondents claiming the same benefit. The second respondent, rejected their representations, on the ground that the petitioners were not party in the aforesaid OA No. 736 of 2000.

3.2. Aggrieved by the said rejection order, the petitioners filed original applications in OA.Nos. 197,198 and 199 of 2022 before the Central Administrative Tribunal, Chennai Bench. The Tribunal, by a common order dated 10.01.2024 dismissed the said original applications on the ground of delay and laches and further held that the petitioners have not challenged the policy decision as well as their absorption order. Hence, the petitioners have filed the present writ petitions.



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4. The learned counsel for the petitioners and also the learned Central

Government Senior Counsel submitted that, the Tribunal has passed the impugned common order in O.A.Nos.195, 196, 197, 198, 199, 200 & 201/2001, dated 10.01.2024; and already three connected writ petitions in W.P.No.16355, 16358 and 16360 of 2024 were filed against the common order passed in O.A.Nos.196, 200 & 201/2001 and the same were dismissed by this court on 26.06.2024. Therefore, the above said decision is squarely applicable to the present writ petitions also.

5. In the above said connected writ petitions in W.P.Nos.16355, 16358 and 16360 of 2024, dated 26.06.2024, this court has passed the following order.

3. Learned counsel for the petitioners 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 petitions.

4. Learned Senior Panel Counsel appearing for the respondent Department reiterated the submissions made before the Tribunal.



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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 petitioners 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 Court of Bombay. Thereafter, these petitioners suddenly woke up and made representations 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 representations were rejected on the ground that they were not party in OA No.736 of 2000, the petitioners 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 petitioners were aggrieved by the aforesaid policy decision taken by the Department in the year 1999, they ought to have approached the Tribunal within the time as prescribed under the Central Administrative Tribunal Act. But they have 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 petitions. In fine, the writ petitions stand dismissed. There shall be no order as to costs.



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Therefore, in the light of the orders passed in the connected writ petitions, as stated supra, we are of the view that the present writ petitions are also liable to be dismissed.

6. Accordingly, the writ petitions are dismissed. There shall be no order as to costs.

(D.K.K.J.)

(K.B.J.)

15.07.2024

Internet: Yes/No
Index : Yes/No
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To

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Central Complex, Trombay, Mumbai 400 085.
2. Chief Administrative Officer,
Bhabha Atomic Research Centre,
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