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W.P.No.11739 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**  
AND  
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

Writ Petition No.11739 of 2025 &  
WMP.No.13285 of 2025

- 1.The Union of India,  
rep. by its Secretary to Government,  
Department of Agriculture Research and Education,  
Ministry of Agriculture,  
Krishi Bhavan, New Delhi – 110 001.
- 2.The Director General,  
Indian Council of Agricultural Research,  
Krishi Bhavan, New Delhi – 110 001.
- 3.The Director,  
Central Marine Fisheries Research Institute,  
P.B.No.1603, Ernakulam North Post,  
Cochin 682018.
- 4.The President,  
Indian council of Agricultural Research,  
Krishi Bhavan, New Delhi – 110 001.
- 5.The Scientist in-Charge,  
Mandapam Regional Centre of  
Marine Fisheries Post Office,  
Mandapam Camp, Ramanathapuram District,  
Tamil Nadu. ... Petitioners

Vs.

P.Chidambaram ... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records of



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the order dated 29.08.2024 made in O.A.No.163/2016, issued by the Central Administrative Tribunal, Chennai Beach, Chennai and quash the same.

For Petitioners : Mr.Karthik

Respondent : Mr.R.Prem Narayan

**ORDER**

*(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)*

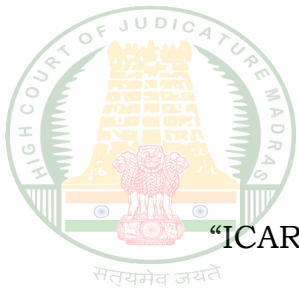
We heard Mr.Karthik for the writ petitioners and Mr.R.Prem Narayan for the respondent. The petitioners seek for the following relief:

*“To call for the records of the order dated 29.08.2024 made in O.A.No.163/2016, issued by the Central Administrative Tribunal, Chennai Beach, Chennai and quash the same.*

2. For the sake of convenience, the parties shall be referred to as per their ranks before the Tribunal.

3. The respondent was the applicant before the Tribunal and the writ petitioners were the respondents.

4. The applicant was appointed as a Technical Officer in the Indian Council of Agricultural Research (hereinafter referred to as



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“ICAR”) in the year 1988. He was posted to the National Bureau of Fish Genetic Resources at Allahabad. The applicant, at the time of filing of the Original Application, was working as a Senior Technical Officer(T6) at the Regional Centre of Central Marine Fisheries Research Institute, Mandapam, Ramanathapuram District. The promotion from the post of Senior Technical Officer(T6) is to the cadre of Assistant Chief Technical Officer.

5. The Assessment Committee did not recommend the case of the applicant for promotion as he had not reached the benchmark for his appraisal for the year 2006-07. During this period, the applicant was downgraded from "Outstanding" to "Good". The recommendation of the Assessment Committee was accepted by the Director, Central Marine Fisheries Research Institute on 10.06.2013.

6. The applicant came to know that the reporting officer had appraised his performance as “Outstanding” for the year 2006-07, but the reviewing officer had suo motu downgraded the appraisal to “Good”. This downgrading had not been communicated to the applicant. On coming to know of the downgradation, the applicant preferred an appeal. This was rejected. On a renewed appeal, the original appraisal of his performance as “Outstanding” stood restored.



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As the appraisal was restored, the applicant pleaded that he is entitled for promotion to the post of Assistant Chief Technical Officer with effect from 01.07.2009.

7. The Assessment Committee also recommended the case of the applicant, but the Competent Authority, namely, the Director General of Indian Council of Agricultural Research, New Delhi, rejected the recommendation. Hence, the applicant made representations on 30.12.2014 and 21.10.2015 to reconsider his case. The same was rejected vide communication dated 18.11.2015. Challenging the same, he approached the Central Administrative Tribunal (hereinafter referred to as "CAT") in OA.No.310/00163/2016.

8. The CAT entertained the application and issued notice to the respondents. The respondents filed a detailed counter. According to the respondents, prior to the reporting period 2008-2009, only adverse remarks in the Annual Performance Appraisal Reports were communicated to the concerned officer. Since the downgrading from "Outstanding" to "Good" is not an adverse remark, the same was not communicated to the applicant. They pleaded that the guideline for communication of below benchmark grading to concerned officers was introduced only from the reporting period 2008 – 2009, vide OM No.21011/1/2010-Estt. A dated 13.04.2010.



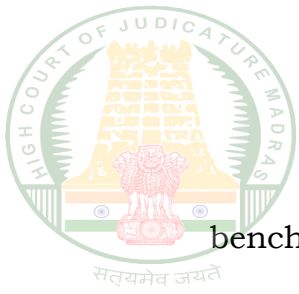
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9. The respondents pleaded that the Assessment Committee considered all the aspects of the case and took into consideration the downgrading from “Outstanding” to “Good” and thereby, rejected the applicant to be considered for promotion. They pointed out that the representation of the applicant dated 17.07.2012 was forwarded to the second respondent, who rejected the same on 20.03.2013. However, the application, that had been made on 01.10.2013 by the applicant, was favourably considered by an order dated 22.01.2014.

10. The respondents pointed out that the competent authority decided not to refer to the upgraded Annual Confidential Report (ACR) for the year 2006-07 as the upgradation has been done by the same authority, on the basis of another representation. They pleaded that reviewing officer is not bound to give opportunity to the applicant before downgrading him from “Outstanding” to “Good”. They pointed out that there is no provision in the Rule for reconsidering a representation which had already been rejected, and therefore, the subsequent upgradation by the same authority is not valid.

11. The CAT considered the plea and came to a conclusion that a grave injustice had been caused to the applicant by depriving him of his well deserved promotion. It also pointed out that the respondents had committed an illegality by not communicating the below



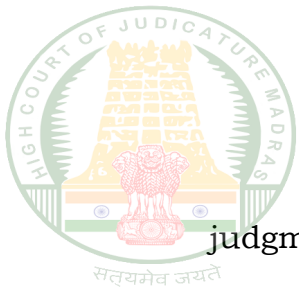
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benchmark grading of “Good” to the applicant, so as to enable him to make his representation in time. It also pointed out that though the initial representation of the applicant to restore his upgradation was rejected on 20.03.2013, the very same authority, namely, the Deputy Director General (Finance), ICAR had restored the original appraisal of “Outstanding” on 22.01.2014. Hence, it allowed the original application as prayed for. Feeling aggrieved by the same, the present writ petition.

12. The learned counsel for the parties reiterated their contentions that they placed before the Tribunal. We have gone through the records and have carefully perused the order of the CAT.

13. At the outset, we have to point out the scope of interference under Article 226 of the Constitution of India against an order of the CAT is not in the nature of an appeal. We exercise a jurisdiction, which is supervisory or visitorial. We deal with the decision making process rather than the decision itself. The attempt of the respondents seems to be to convert the present writ petition into an appeal in disguise. Such an attempt cannot be permitted by us.

14. The CAT has referred to a judgment of the Supreme Court in ***Union of India v. G.R. Meghwal, 2022 SCC OnLine SC 1291***. That



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judgment itself followed the classic judgment of the Supreme Court in

**Dev Dutt v. Union of India, (2008) 8 SCC 725.** The issue that has been presented before us is covered by the judgment in **Dev Dutt's** case, which dealt with the issue whether the entry “Good”, though normally not an adverse entry, can be considered as such. We referred to paragraph Nos. 9 and 10 of the said judgment for the said purpose:-

*“9. In the present case the benchmark (i.e. the essential requirement) laid down by the authorities for promotion to the post of Superintending Engineer was that the candidate should have “very good” entry for the last five years. Thus in this situation the “good” entry in fact is an adverse entry because it eliminates the candidate from being considered for promotion. Thus, nomenclature is not relevant, it is the effect which the entry is having which determines whether it is an adverse entry or not. It is thus the rigours of the entry which is important, not the phraseology. The grant of a “good” entry is of no satisfaction to the incumbent if it in fact makes him ineligible for promotion or has an adverse effect on his chances.*

*10. Hence, in our opinion, the “good” entry should have been communicated to the appellant so as to enable him to make a representation praying that the said entry for the year 1993-1994 should be upgraded from “good” to “very good”. Of*



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*course, after considering such a representation it was open to the authority concerned to reject the representation and confirm the “good” entry (though of course in a fair manner), but at least an opportunity of making such a representation should have been given to the appellant, and that would only have been possible had the appellant been communicated the “good” entry, which was not done in this case. Hence, we are of the opinion that the non-communication of the “good” entry was arbitrary and hence illegal, and the decisions relied upon by the learned counsel for the respondent are distinguishable.”*

This settles the position that even though the entry “Good” is not an adverse one, it becomes adverse because it eliminates a person, like the applicant, for being considered for promotion.

15. The plea that no Second Appeal is entertainable by Deputy Director General of Finance is irrelevant because the very same authority who passed the order on 01.07.2013, had issued the fresh proceedings within a couple of months restoring the “Outstanding” appraisal given by the reporting officer. The reviewing officer had suo motu downgraded the appraisal to “Good”. The reviewing officer ought to have communicated the same to the applicant in terms of the **Dev Dutt's** judgment. Unfortunately, he did not do so. The injustice that had been meted out to the applicant, was that on account of this



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illegality, the Assessment Committee did not consider the applicant for promotion. Once an illegality had been set right by the Deputy Director General (Finance), ICAR on 22.01.2014, the applicant automatically would be entitled to all the benefits that flow there of.

16. The CAT has applied the correct principles of law to the facts of the case. We do not find any error of law or jurisdiction at the hands of the Tribunal. In fact, the Tribunal, by quashing the order, has rendered justice to an officer, who had secured “Very Good” rating for the year 2004-2005, 2005-2006, 2007-2008 and 2008-2009 and an “Outstanding” rating for 2006-2007. In addition, the records reveal that the Applicant's Director had recommended the case of the applicant favourably to the Director, Central Marine Fisheries Research Institute in and by way of a proceeding dated 21.10.2015.

17. A deserving officer not getting what is due to him causes much anguish to that person, who has otherwise rendered service, which as pointed out above, has come up to appropriate notice of his superior. If the respondents deny the applicant what is justifiably due to him, that will certainly affect the morale of a good officer. The order impugned before the Tribunal suffered from illegality and the Tribunal had rightly interfered with the same.



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18. In the light of the above discussion, we do not find any reason to interfere with the order. The writ petition is dismissed. The direction given by the Tribunal in the impugned order shall be implemented within a period of two months from the date of receipt of a copy of this Order. No costs. Consequently, the connected miscellaneous petition is closed.

**(M.S.R, J.) (V.L.N, J.)**  
**14.07.2025**

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Index : Yes  
Speaking Order  
Neutral Citation : Yes

To

1.The Central Administrative Tribunal, Chennai Beach, Chennai



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**M.S. RAMESH, J.  
and  
V.LAKSHMINARAYANAN, J.**

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