



W.P.No.48547 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17.12.2025**

C O R A M

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

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.No.48547 of 2025**

S.Kannan

... Petitioner

-VS-

- 1.The Secretary to Government,  
Ministry of Health and Family Welfare Department,  
Union of India, New Delhi.
- 2.The Director General,  
Indian Council of Medical Research,  
V.Ramalinga Swami Bhavan,  
Ansari Nagar, New Delhi – 110 029.
- 3.The Director,  
National Institute of Epidemiology,  
Indian Council of Medical Research,  
TNHB 2<sup>nd</sup> Main Road,  
Ayapakkam, Chennai – 600 077.
- 4.The Senior Administrative Officer,  
ICMR – National Institute of Epidemiology,  
Ayapakkam, Chennai – 600 077.

... Respondents



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**Prayer:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to quash the order passed by the Central Administrative Tribunal, Chennai Bench in OA/310/00553/20219, dated 31.01.2025, direct the respondents to include the said Temporary Appointment service period, between 16.10.1986 & 31.05.1988 in tune with the Certificate of verification of Service, issued under Form – 24, by the Indian Council of Medical Research, Chetpet, Chennai – 600 031, vide letter No.:NIE/E/QS/2002/689, dated 24.07.2002 and fix the petitioners notional promotion and monetary benefits in accordance with CCS (Pension) Rules, 1972.

For Petitioner : Mr.S.Venkata Krishna Kumar

For Respondents : Mr.K.Srinivasa Murthy,  
Special Panel Counsel for Central Govt.

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### **ORDER**

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

Under assail is the order of the Central Administrative Tribunal [hereinafter referred to as “CAT”] dated 31.01.2025 in OA/310/00553/20219.

**2.** The Original Applicant is the writ petitioner before this Court. The claim of the writ petitioner is to count the service rendered by him from 16.10.1986 to 31.05.1988 for notional promotion under Merit Based



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Assessment Promotion Scheme [MBAPS] came to be declined by the Department and confirmed by CAT.

**3.** The learned counsel for the writ petitioner would mainly contend that both the Scheme service as well as the regular service of the petitioner is in the same organization viz., ICMR. Since the petitioner continuously served under the Scheme and as a regular employee, he is entitled for notional promotion under Merit Based Assessment Promotion Scheme by calculating the service rendered by him under the Scheme for the purpose of revision of pay and arrears including other financial benefits.

**4.** It is not in dispute that the writ petitioner retired from service in the year 2008. The only question that would arise in the present lis is that whether the guidelines applicable to ICMR would provide the benefit of reckoning of Scheme based service rendered by the Research Assistant Officer for notional promotion under the Merit Based Assessment Promotion Scheme.

**5.** Uncontroverted facts between the parties would show that the writ petitioner served under the Scheme from 16.10.1986 to 31.05.1988 and a circular came to be issued on 12.07.1988 granting a concession to the



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Scheme appointed Assistant Research Officers to secure regular appointment in the post of Assistant Research Officer. The petitioner exercised his option on 14<sup>th</sup> July 1988 and opted to join in the regular service in the post of Assistant Research Officer. Considering the option, the competent Authority passed an order in proceedings dated 15.07.1988 appointing the writ petitioner from scheme CJIL Field Unit for Epidemiology of Leprosy, Avadi to staff of CJIL, Agra.

6. The said order of appointment would show that regular appointment was granted with effect on 01.06.1988. The writ petitioner underwent probation for a period of 2 years. Therefore, for all purposes his regular services had been taken into consideration from 01.06.1988 including for promotion. Having accepted the said position in the year 1988, the writ petitioner continued in services and attained the age of superannuation in the year 2008.

7. The guidelines for implementation of Merit Based Assessment Promotion Scheme [MBAPS] for Group 'B', 'C' and 'D' Technical staff of Indian Council of Medical Research [ICMR] was issued in Office Memorandum dated 14<sup>th</sup> September 2016. The relevant clause applicable for merit assessment are extracted hereunder:



*2.2 the employees will have the option to switch over to the scheme from the date of their appointment on regular basis through direct recruitment. In this case his slash her service for eligibility for assessment to the next grade will be counted from the date of such appointment. Employees appointed on or after implementation of these guidelines shall be covered under merit based assessment promotion scheme and no option for vacancy based promotion shall be available to them PDF.*

**6. QUALIFYING SERVICE FOR DETERMINING ELIGIBILITY FOR ASSESSMENT AND THE CRITERIA FOR EVALUATION OF ACRs/APARS IN CASE OF FOREIGN ASSIGNMENT/DEPUTATION**

*6.1 Regular service including periods of extraordinary leave (EOL) to the extent it counts for earning increments and the period spent on deputation/ foreign service rendered in the grade will be counted for determining the eligibility for Assessment.*

**8. Evaluation**

*8.1 Assignment promotion shall be on the basis of ACR/APR grading of last 5 years and performance in interview. Employees who obtain threshold marks as given in the Tables (Annexure II) will be eligible for promotion. Weightage for APAR and interview will be in the ratio of 50:50.*



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8. In view of the above guidelines issued, the case of the petitioner was considered under the MBAP Scheme with effect from 01.06.1988, the date on which writ petitioner was regularly appointed in the post of Assistant Research Officer. The impugned order dated 16.08.2018 would also show that as per the guidelines, services had been taken into account from the date of his regular appointment ie., 01.06.1988. Accordingly, the appointment was given to him and financial benefits were also extended. CAT has considered the guidelines applicable for grant of Merit Based Assessment Promotion Scheme and the service particulars of the petitioner and declined to grant the relief. This Court is of the considered view that the findings of the CAT in the impugned order is in consonance with the guidelines in the context of the services rendered by the petitioner.

9. Thus the Writ Petition stands **dismissed**. No costs.

(S.M.S,J.) (C.K,J.)  
17.12.2025

Index: Yes / No  
Internet: Yes / No  
dsa



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To:

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**S.M.SUBRAMANIAM, J.**  
**AND**  
**C.KUMARAPPAN, J.**

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