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W.P.Nos.20122 & 20125 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.Nos.20122 & 20125 of 2022

G.S.Rajkumar	..	Petitioner in WP.20122 of 2022
M.Kalaiselvan	..	Petitioner in WP.20125 of 2022

v.

- 1 The Registrar
Central Administrative Tribunal
Madras Bench, Chennai 600 104
- 2 Union of India
Rep by its Secretary
Ministry of Defence
Department of Defence
New Delhi 110 001
- 3 The Chairman and DGOF
Ordinance Factory Board
10/A, S.K.Bose Road
Kolkatta 700 001
- 4 The Senior General Manager
Heavy Vehicle Factory
Avadi, Chennai 600 054



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5 The General Manager
Heavy Alloy Pentrator Project (HAPP)
HAPP Township, Trichy 620 025 .. Respondents in WP.20122 / 2022

1 Union of India
Rep by its Secretary
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New Delhi 110 001

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Ordinance Factory Board
10/A, S.K.Bose Road
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4 The General Manager
Heavy Alloy Pentrator Project (HAPP)
HAPP Township, Trichy 620 025

5 The Junior Works Manager
LB-II, Heavy Vehicle Factory
Avadi, Chennai 600 054

6 The Registrar
Central Administrative Tribunal
Madras Bench, Chennai 600 104 .. Respondents in WP.20125 / 2022

W.P.No.20122 of 2022 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to order passed in O.A.No.1094 of 2016 dated 19.09.2018 on the file of 1st respondent and quash the same and consequently direct the 2nd to 5th respondents to promote the petitioner to the



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Post of HS-1 from 01.01.2006 and consequently all promotions with all attended benefits and financial benefits, alternatively direct the respondents to reckon the seniority of the applicant from the date of promotion to the post of Electroplater (Skilled) in the 5th respondent organisation i.e. 29.12.1999 and further direct the respondents to grant all attended benefits and financial benefits.

W.P.No.20125 of 2022 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to order passed in O.A.No.1675 of 2016 dated 09.06.2022 on the file of 6th respondent and quash the same and consequently direct 1st to 5th respondents to reckon the seniority of the petitioner from the date of promotion to the post of Fitter (Skilled) in the 4th respondent organisation i.e. 28.05.1993 and further direct the respondents to grant all attended and financial benefits.

For Petitioners :: Mr.R.Rajesh Kumar

For Respondents :: Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India
for R2 to R5 / R1 to R5 in both WPs
R1 / R6 – Tribunal in both WPs

COMMON ORDER

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

The order of the Central Administrative Tribunal dated 19.09.2018 in O.A.No.1094 of 2016 and the order dated 09.06.2022 in O.A.No.1675 of 2016 respectively, are under challenge in the present writ petitions.

2. The petitioner in W.P.No.20122 of 2022 was initially appointed as



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Electroplater (Semi-skilled) on 17.09.1997 in the Heavy Alloy Penetrator Project (HAPP) at Tiruchirappalli. He was promoted as Electroplater (Skilled) on 29.12.1999 and Electroplater (Highly Skilled) on 01.03.2003. Similarly, the petitioner in W.P.No.20125 of 2022 was initially appointed as Fitter (Semi-skilled) on 18.02.1991 in the Heavy Alloy Penetrator Project (HAPP) at Tiruchirappalli. He was promoted as Fitter (Skilled) on 28.05.1993 and Fitter (Highly Skilled) on 01.09.2003.

3. Both the petitioners submitted applications seeking permanent transfer to the Heavy Vehicles Factory, Avadi at Chennai. Their request for inter-factory transfer on reversion was considered on compassionate grounds by the respondent organisation and orders were passed on 26.10.2006 and 16.09.2005 respectively. Pertinently, the condition stipulated along with the order dated 26.10.2006 passed in respect of one of the petitioners, stands extracted hereunder:-

“HEAVY ALLOY PENETRATOR PROJECT,
TIRUCHIRAPPALLI-25
FACTORY ORDER PART-II
BY
SHRI S.RAVI, I.O.F.S, SR.GENERAL MANAGER



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No.1343

Dt.26.10.2006

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**SUB: INTER-FACTORY TRANSFER ON REVERSION
ON COMPASSIONATE GROUNDS**

The under-mentioned transfer on reversion is ordered in the Industrial Establishment with effect from 31.10.2006 (A/N) on compassionate grounds:-

S. No.	Name, P.No. & T.No.	Transferred from/Design. & Scale	Transferred to/Design. & Scale
01	G.S.Rajkumar 1153/STP/003	HAPP / TRICHY Electroplater/Highly Skilled (1000 100 6000)	HVF, AVADI, CHENNAI (on reversion to Skilled Grade) Electroplater/Skilled (3050-75-3950-80- 4590)

Since the transfer is of permanent nature and has been ordered in the individual's own request on compassionate grounds, he will not be eligible for any TA/DA, joining time, etc. His seniority in the post of Electroplater/Skilled will be reckoned only from the date of joining duty at Heavy Vehicles Factory (HVF), Avadi, Chennai.

(Smt.Anupma Tripathi)
Jt.General Manager/Admin.
For Sr.General Manager”

4. The petitioners accepted the conditions stipulated in the inter-factory transfer on reversion and joined the Heavy Vehicles Factory at



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Avadi. They were serving for about ten years and thereafter submitted applications claiming seniority by reckoning the service rendered by them in the HAPP at Tiruchirappalli. The said request was rejected by the HVF Administration. Thus the petitioners preferred original applications before the Central Administrative Tribunal, Madras Bench. The Tribunal considered the issues and dismissed the original applications on the ground that the petitioners accepted the inter-factory transfer orders along with the conditions imposed therein.

5. The learned counsel for petitioners would submit that the said order of the year 2006 itself is in violation of the Rules and therefore, the petitioners are entitled for the relief.

6. We are unable to accept the said contention, in view of the fact that the said orders remained unchallenged. Rather the petitioners joined the transferred place at HVF, Avadi and served for about ten years and thereafter claimed seniority. The petitioners, having accepted the conditions imposed in the transfer orders, cannot turn around and claim seniority



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contrary to the conditions accepted by them. That being so, we do not find any infirmity in the orders passed by the Central Administrative Tribunal and consequently the said orders stand confirmed and the writ petitions are dismissed. No costs.

Index : yes
Neutral citation : yes

(S.M.S.,J.) (M.J.R.,J.)
02.01.2025

ss

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