



W.P.No.19726 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

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CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

W.P.No.19726 of 2020
and
W.M.P.No.24373 of 2020

1.The Union of India,
Rep. by The Secretary,
Ministry of Defence,
Department of Defence Production,
South Block,
New Delhi-110 001.

2.The Chairman,
Ordinance Factory Board,
10-A, S.K.Bose Road, Kolkata-700 001.

3.The General Manager,
HAPP, Trichy-620 025.
(Heavy Alloy Penetration Project).

...Petitioners

Vs

1.R.Murali
2.G.Jayaraj
3.T.M.J.Lawrence
4.M.Jothi Krishnan
5.K.Nadimuthu
6.K.Paramanandam
7.S.Sankaran
8.S.Rajendran
9.P.Neelamegam
10.T.Meenachi Sundaram



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- 11.R.Manavalan
- 12.R.Sekkilar
- 13.S.Rajapandian
- 14.R.Selvakumar
- 15.R.Ramasubramaniam
- 16.S.Sakthivel
- 17.L.Ganesan
- 18.S.V.Shanmugasundar
- 19.G.Srinivasan
- 20.N.Balachandran
- 21.N.Pushparajan
- 22.C.Sasi
- 23.S.Amaldoss
- 24.K.Devanathan
- 25.S.Samsudeen
- 26.S.Radhakrishnan
- 27.K.K.Mohanan
- 28.S.Raja

29.The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records on the file of the CAT dated 03.06.2020, the 29th respondent in O.A.No.310/01593 of 2015 and quash the same.

For Petitioners	: Mr.B.Rabu Manohar
For R1 to R28	: Mr.R.Pandian
For R29	: Tribunal



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ORDER

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

The order of the Central Administrative Tribunal, Chennai Bench, passed in O.A.No.1593 of 2015 dated 03.06.2020, holding that the placements of the private respondents herein due to restructuring in Highly Skilled Grade-I, cannot be treated as a second promotion and the consequential direction to the petitioners to consider grant of IInd MACP to them, is put under challenge in this Writ Petition.

2. An identical order passed by the Central Administrative Tribunal came to be challenged before a Co-ordinate Bench of this Court in W.P.No.1438 of 2024, which was dismissed on 30.01.2024 with the following observations and findings:-

“6. At the outset, we feel that it is imperative to analyse the Coordinate Bench judgment of this Court referred to by the learned counsel appearing for the 1st respondent.

7. A perusal of the aforesaid judgment would show that various persons had approached the Tribunal seeking for grant of MACP as per the Scheme. The employees therein were also similarly placed



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persons as that of the 1st respondent. They were all enmasse upgraded as Highly Skilled Grade – I in the year 2010 with retrospective effect from 01.01.2006. The Coordinate Bench had held that there has been no process of selection involved and further, there was no rule of reservation also followed. Therefore, the movement from Highly Skilled Grade – II to Highly Skilled Grade – I pursuant to the said restructuring cannot be construed as one of promotion for the purpose of the Scheme. For better appreciation, the relevant paragraph of the said judgment is extracted hereunder:-

“7. There is no dispute that the process adopted by the petitioners was one of upgradation simplicitor. There was no process of selection involved. In case it is promotion, the petitioners have to follow the rule of reservation. Here in the subject case, there was no such process involved. The movement from Highly Skilled to Highly Skilled Grade I pursuant to restructuring cannot be construed as one of promotion for the purpose of MACP Scheme.”

8. After factually recording so, the Co-ordinate Bench had held that the MACP Scheme contemplates promotion and not enmasse upgradation and therefore, had upheld the decision of the Tribunal in directing application or MACP Scheme to such upgraded employees.



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9. In the present case also, it is the case where the 1st respondent had been upgraded in the higher post and the same cannot be considered as a promotion. Therefore, we find no infirmity in the order impugned before us.”

3. It is not in dispute that the facts involved in the present case is similar to that of the facts in W.P.No.1438 of 2024. As such, the prayer in the present Writ Petition does not deserve consideration.

4. In the light of the orders pronounced in W.P.No.1438 of 2024, the present Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (N.S.,J.)
29.04.2025

Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-speaking order
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To

The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.



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M.S.RAMESH,J.
AND
N.SENTHILKUMAR,J.

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