



W.P.No.22880 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No.22880 of 2025
and W.M.P.No.25707 of 2025

1.Union of India,
Rep. by its Commander Works Engineer,
Pallavan Salai,
Chennai – 600 002.

2.The Garrison Engineer,
Fort St.George,
Chennai – 600 009.

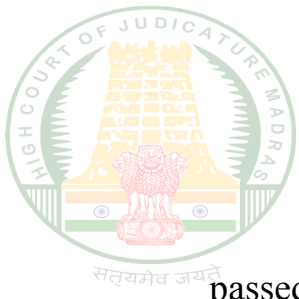
... Petitioners

Vs.

Shri.N.S.Madhavan,
FGM HS II (Retd on 28.02.2002)
No.16, 36th Cross Street,
Thiruvalluvar Nagar, Thiruvannamiyur,
Chennai – 600 041.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Certiorari, calling for the records
relating to the impugned order in O.A.No.1384 of 2016 dated 22.11.2024



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passed by the Central Administrative Tribunal, Chennai Bench and quash the same.

For Petitioner : Mr.C.Samivel

ORDER

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

Earlier, when the respondent herein was denied of promotion to the post of Highly Skilled Grade-II and Highly Skilled Grade-I, he had filed an application before the Central Administrative Tribunal, Madras Bench (hereinafter referred to as 'the Tribunal') in O.A.No.1109 of 1997 and by an order dated 09.09.1999, the original application was allowed with a direction to the petitioners herein to give the benefit of Ministry of Defence's letter dated 15.10.1984 with consequential promotion without backwages within a period of three months. Challenging the said order of the Tribunal, the petitioners herein filed W.P.No.24844 of 2003, which was dismissed on 21.07.2006. Aggrieved against the order of the Writ Court, the petitioners filed SLP.Nos.12921 to 12924 of 2008 before the Hon'ble Supreme Court and the same was also dismissed.



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2. After these developments and when it was felt that the original order of the Tribunal was not implemented, contempt proceedings were initiated by the respondent against the petitioners, pending which, an order dated 28.05.2013 was passed by the petitioners, rejecting the claim of the respondent for promotion from HS-II to HS-I, on the ground that the guidelines issued by E-in-C's Branch letter No.91026/FGM/E1C(3) dated 21.07.1994 requires the employee to pass the Trade Test (TT), which he did not possess.

3. This letter dated 28.05.2013 was put under challenge by the respondent before the Tribunal in O.A.No.1384 of 2016. The original application came to be allowed on 22.11.2024, with a direction to the petitioners to promote the respondent, on notional basis, from HS-II to HS-I by considering his promotion to HS-II with effect from 15.10.1984 and other consequential benefits. This order of the Tribunal is put under challenge by the petitioners in the present Writ Petition.



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4. We fail to appreciate as to how the petitioners herein were in a position to reject the respondent's claim for promotion to the post of HS-I, when he had already succeeded in the earlier round of litigation in O.A.No.1109 of 1997, in which there was a specific direction to the petitioners to grant him notional promotion to the post of HS-I also, within a stipulated time and which order has been confirmed up to the Hon'ble Supreme Court.

5. The rejection order dated 28.05.2013, which was challenged before the Tribunal, cannot be legally sustained for two reasons. Firstly, the prior requirement of passing Trade Test for promotion to the post of HS-I was brought in through the guidelines issued by E-in-C's Branch letter No.91026/FGM/E1C(3) dated 21.07.1994. It is quite obvious that all promotions to the post of either SK to HS-II or HS-II to HS-I as per the guidelines, could be given effect to only after 21.07.1994. In this case, the respondent's entitlement to be promoted to the post of HS-I was notionally from 15.10.1984. The guidelines that prevailed prior to 21.07.1994, did not have such a pre-condition, but on the other hand, the



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respondent's case was favourably recommended through the Ministry of Defence's letter dated 15.10.1984, which has been recorded in the order of the Tribunal dated 09.09.1999 passed in O.A.No.1109 of 1997. Thus, the petitioners may not have the authority to cite the pre-requisite of possessing a Trade Test, as a disqualification for promotion to the post of HS-I.

6. The second reason on which the order dated 28.05.2013 cannot be sustained is that in the earlier round of litigation, the Tribunal has directed the petitioners to grant notional promotion to the respondent for the post of HS-I also, when his original application was allowed. This positive direction has been upheld by this Court, as well as the Hon'ble Supreme Court. Even assuming that there are some pre-conditions for grant of such promotions, the same cannot be cited as an impediment in view of the directions by the Court of law.

7. The Central Administrative Tribunal has rightly appreciated the respondent's entitlement for promotion and has allowed the Original



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Application through its order dated 22.11.2024. None of the grounds raised by the petitioners herein are acceptable or appealing so as to interfere with the Tribunal's order.

8. Accordingly, the Writ Petition stands dismissed with a direction to the petitioners herein to comply with the order of the Central Administrative Tribunal dated 22.11.2024 passed in O.A.No.1384 of 2016, within a period of two (2) weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[V.L.N, J.]

25.06.2025

Index: Yes
Speaking order
Neutral Citation: Yes
Internet: Yes

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