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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

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THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.Nos.2401 & 2406 of 2025

and

W.M.P.Nos.2709 & 2712 of 2025

W.P.No.2401 of 2025

1.The Director General,
Indian Council of Medical Research,
Ansari Nagar, New Delhi.

2.The Director General,
National Institute for Research in
Reproductive Health Field Unit,
JehangirMerwanji Street,
Parel, Mumbai.

...Petitioners

Vs

1.M.Nirmala Devi

2.The Dean,
Government Rajaji Hospital,
Madurai – 625 020.

3.The Officer Incharge,
National Institute for Research in
Reproductive Health Field Unit,
NIRRH – FU, ICMR,
Department of Obstetrician and Gynaecology,



Government Rajaji Hospital,
Madurai – 625 020.

W.P.Nos.2401 & 2406 of 2



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..Respondent(s)

W.P.No.2406 of 2025

1.The Director General,
Indian Council of Medical Research,
Ansari Nagar, New Delhi.

2.The Director General,
National Institute for Research in
Reproductive Health Field Unit,
JehangirMerwanji Street,
Parel, Mumbai.

...Petitioners

Vs

1.Miss B.Sarala

2.The Dean,
Government Rajaji Hospital,
Madurai – 625 020.

3.The Officer Incharge,
National Institute for Research in
Reproductive Health Field Unit,
NIRRH – FU, ICMR,
Department of Obstetrician and Gynaecology,
Government Rajaji Hospital,
Madurai – 625 020.

..Respondent(s)

Prayer in W.P.No.2401 of 2025: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records from the Central Administrative Tribunal, Chennai, relating to its order



dated 02.01.2024 in 310/00887/2016 and quash the same as illegal, arbitrary, without jurisdiction.

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Prayer in W.P.No.2406 of 2025: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records from the Central Administrative Tribunal, Chennai, relating to its order dated 02.01.2024 in 310/00888/2016 and quash the same as illegal, arbitrary, without jurisdiction.

For Petitioner(s): Mr.K.Srinivasa Murthy
(in both W.Ps)

For Respondent(s): Ms.N.Fidelia (For R1)
(in both W.Ps)
Mr.M.Bindran
Additional Government Pleader
(For R2 & R3)
(in both W.Ps)

COMMON ORDER

(Order of the Court was made by K.Kumaresh Babu J.)

The present writ petitions have been filed to quash the orders of the Central Administrative Tribunal, Chennai, dated 02.01.2024 in 310/00887/2016 and 310/00888/2016.



2. The learned counsel for the petitioners would submit that it implements various projects, of which a project referred to as “Human Reproduction Research Centre” was also carried out at the 2nd respondent Institute. As per the scheme, under which the project was implemented, the Central Government granted grant-in-aid on year-to-year basis and the said project was discontinued from 01.04.2015. It is the 2nd respondent, who implemented the project by engaging necessary staff and in that process, it engaged the first respondents in both the writ petitions.

3. As the project had been discontinued, the appointment of both the first respondents could not have been continued. However, without discontinuing their services, the second respondent had continued to engage them and had, in fact, paid salaries till September 2015, only thereafter it had decided to disengage the services of the first respondents. The first respondents in both the writ petitions had challenged the disengagement and had also sought payment of salary by reappointing them into service. Even though the relief of reappointment / regularization was rejected, the Tribunal set aside the orders of recovery of salary issued by the third respondent, but had also directed payment of salary for the services rendered by the first respondents from October 2015 to April 2016.



4. The learned counsel for the petitioners would submit that the petitioners are not liable to pay the salary to any persons employed by the 2nd or the 3rd respondent beyond 31.03.2015, as the project had come to an end on 31.03.2015. Without noting the same, the Tribunal had directed the respondents therein, including the petitioner herein, to disburse salary to both the first respondents. Hence, he seeks indulgence of this Court.

5. Countering the arguments of the learned counsel for the petitioners, the learned counsel appearing for the first respondents in the respective writ petitions would submit that they were appointed on a consolidated scale of pay and continued to work till the order of discharge came to be passed by the third respondent on 27.04.2016. Even though the claim seeking reappointment had been negatived, they had not challenged the order passed by the Tribunal. He would submit that since the first respondents had been engaged till the order of discharge, they are entitled for salary for the period of service rendered. Therefore, the respective first respondents are entitled for salary till the date of discharge. She would further contend that the respective first respondents were appointed only under the project of the petitioner, the petitioners are liable to pay the salary.

6. Mr.M.Bindran, learned Additional Government Pleader appearing for the respondents 2 and 3 would submit that as the first respondents in the



respective writ petitions have been appointed pursuant to the project, it is only the petitioners who have to disburse the salary, even though their services were retained after the projects have been completed. Hence, he would submit that there is no infirmity in the orders impugned in these writ petitions.

7. We have considered the submissions made by the respective learned counsels appearing on either side and perused the materials available on record.

8. It is an admitted case that the first respondents in both the writ petitions were appointed to the respective posts on consolidated pay in a project of the petitioner, which was executed through the second and the third respondents, for which a consolidated grant-in-aid on year-to-year basis had been provided by the Central Government. It is also not in dispute that the project had come to an end on 31.03.2015. A perusal of the communication of the 2nd respondent and the 3rd respondent to the Senior Administrative Officer of the first respondent would indicate that they were aware of the termination of the project staffs and had also decided to relieve the first respondent in both the writ petitions.

9. This itself would clearly indicate that both the first respondents were continued in service even after the tenure of the project was over for which the petitioners cannot be held responsible for payment of salary. Even after the tenure of project was over, the first respondent were paid salary by the second and the third respondent till September 2015. No reasons have also been



attributed as to why salary was not paid from October 2015 till the order of relieving dated 27.04.2016. This stoppage of salary from October 2015 would indicate that it was well within the knowledge of the respondents 2 and 3 that the first respondents in the respective writ petitions could not have been continued in service. However, without relieving them immediately, they had continued to keep them in employment till 27.04.2016.

10. Therefore, we are of the considered view that the liability to pay salary from October 2015 till the date of discharge on 27.04.2016 would only be on respondents 2 and 3.

11. For the aforesaid reasons, the direction issued by the Tribunal to disburse salary by the respondents in the applications collectively could only be fastened upon the respondents 2 and 3 herein and to that effect, the order of the Tribunal requires modification.

12. In fine, both the writ petitions stand partly allowed and there shall be a direction to the respondents 2 and 3 to disburse the salary to both the first respondent in the respective writ petitions for the period from October 2015 to April 2016 within a period of eight (8) weeks from the date of receipt of a copy of this order.



13. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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(C.V.K.,J.) (K.B.,J.)
29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

- 1.The Dean,
Government Rajaji Hospital,
Madurai – 625 020.
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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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