



WEB COPY

Writ Petition No.5264 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Writ Petition No.5264 of 2024

and

W.M.P.No.5781 of 2024

1. The Union of India
represented by the Secretary,
Ministry of Textiles, Udayog Bhavan,
New Delhi.
2. The Development Commissioner Handlooms,
Ministry of Textiles,
Office of The Development Commissioner and
Handlooms, Udayog Bhavan, New Delhi.
3. The Director (South Zone),
Weavers Service Centre,
C.L.B., Rajaji Bhavan,
Besant Nagar, Chennai – 600 090.

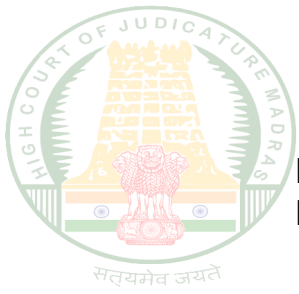
..Petitioners

Vs

1. P.Thiruvengadam
Assistant Director (Processing) (Retired),
33, Third New Street, Ponnampet, Salem.
2. The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai – 600 104.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the entire records of the impugned order dated 11.10.2023 passed in O.A.No.1478 of 2016 by the Central Administrative Tribunal, Chennai Bench and quash the same.



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For Petitioners : Mr.C.Kulanthaivel
For Respondents : Mr.Sachin Vijay [R1]
Tribunal [R2]

ORDER

(Made by S.M.Subramaniam J.)

Writ on hand has been instituted to assail the order of the Central Administrative Tribunal, Chennai Bench, dated 11.10.2023 in O.A.No.1478 of 2016.

2. Union of India preferred the present writ petition mainly on the ground that the first respondent completed 30 years of service in the year 2008. The first respondent's case was not considered for grant of MACP/financial upgradation since certain adverse remarks were noticed in the Annual Confidential Report [ACR]. However, the first respondent's case was considered in the year 2011 by the Committee and financial upgradation was given with effect from the year 2011.

3. The first respondent filed original application to quash the rejection order dated 15.12.2015 rejecting his claim for grant of financial upgradation/MACP benefits from the year 2008 and for a direction to grant the financial upgradation from 20.11.2008 instead of 01.04.2011.

4. Learned Senior Standing Counsel appearing for the Union of India would mainly contend that the financial upgradation was postponed from the



year 2008 to 2011 mainly based on the adverse remarks made in the ACR of the first respondent. Thus, the decision of the Tribunal directing the authorities to reconsider the issue is not in accordance with the guidelines issued by the Government of India.

5. It is not in dispute that the first respondent completed 30 years of eligible services in the year 2008. Therefore, he is eligible to avail MACP benefits. Due to adverse entries made in the ACR, his case was not considered in the year 2008 but it was considered in the year 2011 and MACP benefits were granted with effect from 01.04.2011. However, the Tribunal made a finding that the adverse entries made in the ACR were not communicated to the first respondent employee. Uncommunicated adverse entries cannot be held against an employee while considering the case of an employee either for promotion or for financial upgradation or MACP benefits. The Tribunal has made a finding that the first respondent's performance is at the level 'Good'. It is the duty of the petitioner to communicate the same to the employee so that he can apprise the appropriate authority for upgradation of his ACR grading in time. Opportunity of defence has not been provided to the first respondent employee, which resulted in the violation of rules of natural justice. At the outset, uncommunicated adverse entries made in the ACR cannot be acted against an employee. Therefore, the decision of the Tribunal is in accordance with the established principles of law. Thus, this Court is not inclined to interfere with the order impugned.



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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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Accordingly, this writ petition stands dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

**(S.M.S.,J.) (N.S.,J.)
04-06-2026**

Index: Yes
Speaking order
Neutral Citation: Yes/No

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To
The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai-104.

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