



Writ Petition No.9125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
19.02.2026

PRONOUNCED ON
26.02.2026

CORAM
THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Writ Petition No.9125 of 2024
and W.M.P.No.10152 of 2024

1.The Union of India,
Represented by the Secretary of Government,
Ministry of Defence, South Block,
DHQ PO, New Delhi – 110 011.

2.The Directorate General of Ordnance Services,
Master General of Ordnance Branch,
Integrated HQ of MoD (Army),
DHQ PO, New Delhi – 110 011.

3.The Commandant
Ordnance Depot, Avadi,
C/o 56 APO, Pin – 600 055.

... Petitioners

Vs

K.Gajendran (Deceased)

1.Kariammal
2.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai – 600 104.

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the second respondent, the Hon'ble Central Administrative Tribunal, Chennai Bench in O.A.No.164 of 2013 dated 21.04.2023 and quash the same and pass further orders.

For Petitioners : Mr.G.Ilangovan
For R1 : Mr.D.Prabhu Mukunth Arun
For R2 : Tribunal

ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

This writ petition has been filed by petitioners challenging the order of the Tribunal passed in O.A.No.164 of 2013 dated 21.04.2023.

2. Heard Mr.G.Ilangovan, learned counsel for the petitioners and Mr.D.Prabhu Mukunth Arun, learned counsel appearing on the first respondent.

3. Mr.G.Ilangovan, learned counsel for the petitioner would submit that the first respondent husband was employed with the third petitioner and had superannuated from service on 31.10.2006 as Fitter Auto HS-II and terminal benefits were also been paid accordingly. By proceedings dated 14.06.2010, the Ministry of Defense had introduced restructuring of cadre of

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Artisan staffs in its Establishment in modification of recommendations of 6

Pay Commission and such restructuring was ordered to be modified with effect from 01.01.2006. By such restructuring, Fitter Auto Skilled HS-II and HS-I were brought under the Pay Band -I and Master Craftsman was brought under Pay Band-II.

4. He would further submit that as per the restructure, 45% of the post was classified as skilled worker, 25% of the remaining 55% of the posts was classified as Master Craftsman in Pay Band-II and the remaining post was divided in the ratio of 50:50 and redesignated in HS-II and HS-I. In view of the restructuring if it is found that any of the Artisans who have been promoted earlier should not be reverted pursuant to the restructuring and the guidelines issued, in the year of 2012 a DPC had been convened. It was found that for the Fitter Auto their strength was totally 15 and there are 5 skilled workers and 6 Master Craftsman as on 01.02.2006 and therefore, the remaining 3 were distributed to HS Grade-II and no one was granted HS Grade-I cadre in consonance with the guidelines issued for restructuring.

5. He would submit that the deceased husband of the first respondent



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had superannuated much prior to the restructuring. As he was not benefited with any benefits, he had approached the Tribunal to grant him HS-I as he had been qualified to hold the said post as per the Scheme of restructuring and also grant him the Grade Pay of Rs.2,800/- in Pay Band-I with all consequential services and other attendant benefits including arrears of his pay and bonus. He would submit that the Tribunal allowed the O.A together one increment with effect from 01.01.2006 notionally with all consequential service benefits including arrears of pay and allowance applicable to him within a period of three (3) months.

6. He would submit that the Tribunal had wholly erred in failing to note that the husband of the first respondent had superannuated much before the order of restructuring and has also been benefited with all terminal benefits and hence, his claim was not considered by the DPC convened in that regard. He would further submit that none of his juniors had been granted a higher cadre for him to be benefited with HS-I promotion and placing him in Pay Band-I with Grade Pay of Rs.2,800/-. He would further submit that the Tribunal had erroneously considered the case. The juniors who had been given promotion at a later point of time only, as and when



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vacancy arose and on such date of promotion, the husband of the first respondent had already superannuated. Therefore, on the date of restructuring there was no vacancy and he could not be entitled for any relief as such vacancies in the higher post had arisen much after the date of superannuation. Hence, he would seek indulgence of this Court to the order impugned herein.

7. On the contrary, the learned counsel appearing for the first respondent would submit that the husband of the first respondent had superannuated on 31.10.2006 and he is also entitled for being fitted in the appropriate cadre as the restructuring was directed to be given effect from 01.01.2006. He would submit that the Scheme has also been applied in respect of wasted out employees due to their retirement, death, etc., which happened after 01.01.2006 and they were entitled to be re-designated as HS-I, HS-II and corresponding pay scale/ pay band and Grade Pay as per the ratio of the Scheme was also envisaged.

8. He would submit that while restructuring, it is an admitted case that



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there are more number of Master Craftsman working and they were not demoted in consonance with the Scheme and the guidelines issued thereon.

He would submit that it is also an admitted case that there were no employee who had conferred with HS-I by the DPC and it is also an admitted fact that the name of the first respondent's husband was not taken up for consideration which is wholly erroneous and contrary to the Scheme that has been framed. Hence, he would submit that there is no error in the orders impugned herein which requires interference by this Court.

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

10. The issue involved in this Writ Petition is as to whether the deceased employee, who is the husband of the first respondent and the applicant in the Original Application before the Tribunal was entitled to be considered by the Department Promotion Committee which was convened to implement a Scheme of restructuring that was envisaged by the Ministry in the year 2010. It is to be noted that the Scheme even though came in the year 2010, it was to be implemented with effect from 01.01.2006. A further



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reading of the Scheme would also indicate that employees who have been wasted out due to retirement/ death after 01.01.2006 were also entitled for re-designation. It had been admitted by the petitioners that the case of the deceased employee namely the husband of the first respondent had not been considered by the DPC that was convened in the year 2012 as he had superannuated from service. Such non-consideration goes against the Scheme and guidelines that had been issued to implement the restructuring.

11. It is an admitted fact that the employee had superannuated while holding the post of HS-II. The guidelines dated 14.03.2011 would indicate as follows:-

“4. The Depot/ Unit should work out revised inter-grade ratio trade wise as on 01.01.2006 on the sanctioned/ authorized strength in the ratio as mentioned above. If there are non-viable trades having meagre number of workers (say less than five), those trades can be grouped together to arrive at a viable ratio. The posts of Highly Skilled shall be split w.e.f 01.01.2006 in the ratio mentioned at par 2 above.

Highly Skilled employees (including those who were



wasted out due to retirement, death, etc, on or after

01.01.2006) shall be re-designated as HS-I and HS-II

grade in the corresponding Pay scales/ Pay Band and

Grade Pay due as per the aforesaid ratio and necessary

Order published accordingly.” (emphasis applied)

12. In view of such guidelines, an employee who had superannuated after 01.01.2006 is also entitled to be considered for restructuring. Further, it is an admitted case that in respect of HS-I, none of them had been placed in the said cadre. The petitioner who had been working as HS-II as on 01.01.2006 was entitled to be fitted as HS-I in pay band-2 with a Grade Pay of Rs.2,800/- and would also have been entitled for an increment on completion of six (6) months ie., with effect from 01.07.2006.

13. In such view of the matter, we do not find any infirmity or irregularity in the order impugned herein warranting interference by this Court.

14. Accordingly, this Writ Petition fails and is dismissed.



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Consequently, connected miscellaneous petition is also closed. However,
there shall be no order as to costs.

(C.V.K.,J.) (K.B., J.)
26.02.2026

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Gba

To

The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai – 600 104.



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C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU.,J.

Gba

A Pre-delivery judgment made in
Writ Petition No.9125 of 2024
& W.M.P.No.10152 of 2024

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