



Writ Petition No.34702 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
07.01.2026

PRONOUNCED ON
11.02.2026

CORAM

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

**Writ Petition No.34702 of 2023
and W.M.P.No.34663 of 2023**

1.Union of India,
The Under Secretary,
Department of Atomic Energy,
Parliament House,
New Delhi – 110 001.

2.The Director,
General Service Organization,
Department of Atomic Energy,
Kalpakkam – 603 102.

3.The Administrative Office-III,
General Service Organization,
Department of Atomic Energy,
Kalpakkam – 603 102.

... Petitioners

Vs

1.The Registrar,
Central Administrative Tribunal,
Chennai.

2.K.V.Murugaraj

1/9



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3.R.Durairaj

... 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 of the first respondent's Order dated 07.03.2023 in O.A.No.987 of 2015 to quash the same as illegal and invalid.

For Petitioner : Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India

For R1 : Tribunal

For RR2&3 : Mr.S.T.Varadarajulu

ORDER

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

This Writ Petition has been filed to quash the order passed by the Central Administrative Tribunal, dated 07.03.2023 in O.A.No.987 of 2015.

2. Heard Mr.R.Rajesh Vivekananthan, learned counsel appearing for the petitioner and Mr.S.T.Varadarajulu, learned counsel appearing on behalf of the second and third respondents.



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3. The learned counsel appearing for the petitioner would submit that the respondents 2 & 3 were granted Temporary status w.e.f., 01.09.1993 and their services were regularised on 06.10.1998, and had brought under the time scale of pay. The Assured Career Progression Scheme (ACP Scheme) was introduced w.e.f., 09.08.1999 and they were also granted the benefit, however their casual engagement and their temporary status services were not taken into account as per the scheme. He would submit that the said scheme only benefits employees' with regular service and not employees, who were either casually engaged or have been conferred with the temporary status. 50% of the casual labour service and 100% of the temporary status would only be counted for calculating the pensionary benefits and the same cannot be counted for conferring the benefits under the ACP Scheme. He would submit that the Tribunal without considering the same, had directed the petitioners' to count 50% of the casual labour service and 100% of the temporary status service for granting benefits of ACP/MACP Schemes by erroneously relying upon a coordinate bench judgment of the Tribunal at New Delhi. It also placed reliance upon the judgment of the Hon'ble Apex Court which had held that the employees



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were only entitled to count their regular service for benefit of time bound promotion scales/promotion increment. Therefore, he seeks this Court indulgence with the order impugned in this Writ Petition.

4. The learned counsel appearing for the second respondent on the other hand would submit that the respondents 2 & 3 had joined in the service as casual labourer in the year 1987 and they were also conferred with temporary status w.e.f., 01.09.1993 and thereafter appointed as a Lower Division Clerk w.e.f., 06.10.1998. He would submit that on being conferred with the temporary status they have also been granted with all other benefits available to a regular Group -D employees on the same rates including the entitlement for leave. He would submit that similar issue in respect of grant of benefits under the Assured Career Progression Scheme have been dealt with by a Co-ordinate Bench of the Tribunal at Delhi and had been held in favour of the employees. Hence, he would submit that there is no error in the orders impugned herein requiring indulgence by this Court and prays to dismiss the Writ Petition.



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

6. The *lis* that is to be resolved in the present case is as to whether the services rendered as casual labourer and temporary services prior to absorption in the regular service could be counted for grant of the benefits under the ACP/MACP Scheme. The Tribunal had placed reliance upon a judgment of the Co-ordinate Bench of the Tribunal at Delhi which has also relied upon the earlier orders of the Co-ordinate Benches of the Tribunal at Ernakulam and Bombay to treat the casual services rendered by an employee for the purpose of granting the benefits under ACP Scheme as the period rendered by them as casual service/ temporary service had been regularised. Heavy reliance had been placed upon the Hon'ble Apex Court in the case of ***Punjab SEB v. Jagjiwan Ram***, reported in **(2009) 3 SCC 661** to contend that only regular service could be counted and not the temporary service or the casual service rendered by the employee.

7. A perusal of the aforesaid judgment would indicate that the Hon'ble



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Apex Court had held that as per regular service Scheme would mean not to count the total services rendered by an employee irrespective of mode of appointment and would only mean the services rendered by an employee after his regular appointment and therefore, it had held that the benefit of time bound promotional scale/ promotional increments cannot be extended by counting their work charged services.

8. In the present case, the MACP placed before this Court would envisage that the regular services for the purpose of MACP would only commence from the date of joining the post in direct entry grade on a regular basis either on direct recruitment or on absorption/ reemployment basis under Clause 9 of the Scheme. However, Clause 12 would envisage that the said benefit would also be applicable to work charged employees if their service conditions are comparable with the staff of the regular establishment. For better appreciation, relevant Clause is extracted hereunder:-

12. The MACPS shall also be applicable to work charged employees, if their service conditions are comparable with the staff of regular establishment.



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9. The Scheme of grant of temporary status to a casual labour would envisage that on conferment of temporary status, a casual labour would be entitled for various benefits such as minimum of the pay scale corresponding to a Group-D employee including DA, HRA and CCA apart from various other benefits granted to a Group-D employee.

10. Reading Clause 12 as extracted supra along with the Scheme for grant of temporary status would bring us to a conclusion that such employees who had been conferred with the temporary status would be a work charged employee having the same service conditions comparable with the staff of the regular establishment. In such an event, we are of the view that in the present case, a distinction can be drawn to the judgment of the Hon'ble Apex Court in the case of ***Punjab SEB v. Jagjiwan Ram***, reported in ***(2009) 3 SCC 661***, relied upon by the petitioners.

11. In view of the aforesaid findings and reasoning, we are also of the further view that the other judgments cited by the learned counsel for the petitioners could also be distinguished on the peculiar facts of the present case. For the aforesaid view, we do not find any reasons to interfere with



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the impugned order before us.

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12. In fine, the Writ Petition fails and accordingly, the same is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(C.V.K.,J.) (K.B., J.)
11.02.2026

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

To

The Registrar,
Central Administrative Tribunal,
Chennai.



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

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