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WP Nos.27550 of 2023 & 3011
of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

WP Nos.27550 of 2023 & 30110 of 2025

1. P.Thanigaimalai
2. L.G.Kalavathi
3. T.Nagarajan
4. B.Syamala
5. S.Gowri
6. S.R.Ravi
7. Vajravel
8. P.Dhanammal
9. K.Nagarajan
- 10.Balasubramani
- 11.P.Pankajam

Petitioners in WP No.27550 of 2023

1. S.Chinnammal
2. Nithyananthi Muthuramalingam

Petitioners in WP No.30110 of 2025

Vs

1. The Registrar
Central Administrative Tribunal
Additional City Civil Court Building
Chennai 600 104
2. Union of India
Rep.by Secretary to Government
Ministry of Home Affairs
North Block, Central Secretariat
New Delhi 110 001
3. Office of the Registrar General and
Census Commissioner



AD III, Section 2/A
Man Singh Road, New Delhi 110 011

4. The Directorate of Census Operations

Tamil Nadu

Rajaji Bhavan, Chennai-90

Respondents in WP No.27550 of 2023

1. Union of India

Rep.by Secretary to Government

The Ministry of Home Affairs

North Block, Central Secretariat

New Delhi-110001

2. The Office of the Registrar General and Census

AD-III Section 2/A, Man Singh Road

New Delhi 110 001

3. The Directorate of Census Operation

Tamil Nadu, Rajaji Bhavan,

Chennai 600 090

Respondents in WP No.30110 of 2025

Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent and quash the order passed in O.A.310/01726 of 2016 dated 03.01.2023 as illegal, incompetent and contrary to law and further direct the respondents to grant the petitioners with 2nd Financial Upgradation applying the ACP scheme in the scale of Rs.15,600-39,100 of Rs.5400 from the due date.

For Petitioners: Ms.K.Abirame for
Mrs.V.Srimathi

For Respondents: R1-Tribunal
Mr.Prasad Vijayakumar
Senior Panel Counsel
for R2 to R4 in WP No.27550 of 2023

Mr.V.Chandrasekaran
Senior Panel Counsel
for R1 to R3 in WP No.30110 of 2025



COMMON ORDER
(Order of the Court was made by P.Velmurugan J.)

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1.1. WMP No.26994 of 2023 seeking to permit the petitioners to file a single writ petition, stands ordered on payment of separate Court fee.

1.2. WMP No.33763 of 2025 seeking to dispense with the production of certified copy of the order in O.A.No.310/01736 of 2016 dated 03.01.2023 issued by the Central Administrative Tribunal, Madras Bench, stands ordered.

2. The petitioners in both these writ petitions have sought for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent and quash the order passed in O.A.No.1726 of 2016 dated 03.01.2023 as illegal, incompetent and contrary to law with a consequential direction to the respondents to grant the petitioners with the 2nd Financial Upgradation applying the Assured Career Progression Scheme in the scale of Rs.15,600-39,100 with a Grade Pay of Rs.5,400/- from the due date. Since the relief sought for in both the writ petitions is one and the same, they are taken up together and disposed of by this common order.

3. The petitioners herein approached the Central Administrative Tribunal, Chennai Bench with O.A.No.1736 of 2016 seeking to quash the order passed by the Registrar General and Census Commissioner dated 19.09.2016 and to



consequently direct the respondents to grant 2nd Financial Upgradation applying the ACP Scheme in the scale of pay of Rs.15600-39100 with a Grade Pay of Rs.5400/- from the respective due dates with arrears. It is the case of the petitioners that they were initially appointed by direct recruitment as Data Entry Operators (Grade-B) between the years 1982-1983 in the services of the respondents and as on 01.01.1996, they were drawing pay in the pay scale of Rs.4500-7000 with a Grade Pay of Rs.2800/- as per the 5th Pay Commission. As per the Assured Career Progression Scheme (for short, the ACP Scheme), the petitioners were granted with 1st financial upgradation in the scale of pay of Rs.5000-150-8000 with a Grade pay of Rs.4200/- in PB-2. The pay scale of Rs.5000-8000 belongs to the post of Junior Supervisor, which is the next promotional post for Data Entry Operator Grade 'B'. Further, as per the 6th Pay Commission, the pay scales of Junior Supervisor and Senior Supervisor were merged and the pay was rationalised in the scale of Rs.9300-34800 PB-2 with a Grade pay of Rs.4200/-. The next avenue of upgradation to the petitioners is to the post of Assistant Director in PB-3 i.e., 15600-39100 with a Grade Pay of Rs.5400/-. The respondents, rather than applying the ACP scheme for 2nd financial upgradation in the pay scale of Rs.15600-39100 with Grade Pay of Rs.5400/-, granted the petitioners with the next grade pay of Rs.4600/- in the same scale of pay, as per the Modified Assured Career Progression Scheme (for short, the MACP Scheme), though they have completed more than 24 years



prior to the introduction of the MACP Scheme. Therefore, the petitioners made several representations and also filed O.A.No.1203 of 2014, in which the Department had accepted to grant the Grade Pay of Rs.5400/- to all the petitioners. However, only 9 persons in the above mentioned O.A had been granted with the GP of Rs.5400/-. Aggrieved by the same, the remaining 28 persons filed another O.A.No.1000 of 2016 praying the Tribunal to direct the respondents to grant them similar benefits as was extended to their colleagues vide Order No.A.33011/3/2015-AD-III dated 18.01.2016, which came to be disposed of vide order dated 08.06.2016 with a direction to the respondents to consider the representations made by the 28 persons, within a period of 2 months. As the respondents failed to comply with the order of the Tribunal within the stipulated time period, the petitioners herein issued a contempt notice dated 10.09.2016, pursuant to which the 2nd respondent passed the order dated 19.09.2016, stating that out of 28 persons, 10 persons were declared to be eligible for granting the benefits as asked for, and the request of the remaining 18 persons were declared as not being eligible, on the ground that they do not possess the educational qualification as per the Recruitment Rules for the post of Assistant Director (Data Centre) being the next hierarchical post and thus denied the benefit of the 2nd financial upgradation under the ACP Scheme. Challenging the said order, the petitioners filed the original application seeking the reliefs as mentioned above.



4. The respondents filed a detailed reply denying the averments, stating that on the recommendations of the 5th Central Pay Commission, the Government introduced the ACP Scheme for Central Government civilian employees vide DOPT's O.M. dated 09.08.1999 to mitigate the hardship in case of stagnation in promotion. As per this Scheme, two financial upgradations in the promotional hierarchy were granted to the employees on completion of 12 and 24 years of regular service, subject to fulfillment of all the conditions/norms for promotion prescribed in the relevant Recruitment Rules. As per the recommendations of the 6th Central Pay Commission, this scheme was brought to an end and a new scheme called the MACP Scheme was introduced, which has been in force w.e.f. 01.09.2009. The 6th Pay Commission had also recommended that the posts of Junior Supervisor and Senior Supervisor be merged and the same grade pay of Rs.4200/- be fixed for both the posts. After merger of both these posts, the promotion of Data Entry Operator Gr. 'B' has been considered as a single promotion either in the grade of Junior Supervisor or in the grade of Senior Supervisor. The DoP&T approved the proposal for granting the 2nd financial upgradation under the ACP Scheme to Data Entry Operator Gr. 'B' of Electronic Data Processing (EDP) cadre in the grade of Assistant Director (Data Centre) on completion of 24 years of regular service (i.e. for those who have completed 24 years between 01.01.2006 to 31.08.2008). Para 6 of the O.M. dated 09.08.1999 made it clear that an officer has to fulfill



all the promotional norms for grant of financial upgradation under the ACP

Scheme and in compliance thereof, the 2nd financial upgradation under the ACP

Scheme has been granted in the promotional grade of Assistant Director (Data Centre) to those Data Entry Operators (DEO) Gr. B/Sr. Supervisors who have completed all the promotional norms for the post of Assistant Director (Data Centre). Though the petitioners plead that they should be granted the 2nd financial upgradation in the pay scale pertaining to the post of Assistant Director (Data Centre), as per the Recruitment Rules followed by the respondents for promotion to the post of Assistant Director (Data Centre), an employee has to be a graduate in the subject of Mathematics/Commerce/Statistics/Economics/Operation Research/Physics/Computer Application. Since the petitioners did not possess the Graduate degree in any of the above subjects, their request for grant of the 2nd financial upgradation in the pay scale and grade pay governing the post of Assistant Director (Data Centre) was rejected. However, in pursuance of the order passed by the Tribunal to consider the representations of the petitioners, the authority concerned granted the 2nd financial upgradation under the existing MACP Scheme in the pay band PB-2 of Rs.9300-34800 with a Grade Pay of Rs.4600/-, which was increased to Rs.4800/- as per the RGI office order dated 03.07.2013. Therefore, the respondents pleaded that there is no merit in the claim of the petitioners.



5. The Tribunal, on perusal of records and on hearing the learned counsel appearing for the parties, dismissed the original application holding that the petitioners cannot claim parity in financial upgradation with those Data Entry Operators who possess the qualifications prescribed for the post of Assistant Director, when the petitioners lack such qualifications, by the impugned order dated 03.01.2023. Aggrieved thereby, the present writ petitions have been filed before this Court.

6. Assailing the impugned order, the learned counsel appearing on behalf of the petitioners would vehemently submit that when the respondents themselves had already accepted the grievance of 20 similarly placed Data Entry Operators and sanctioned them the 2nd financial upgradation in the pay scale PB-3 with grade pay of Rs.5400/- by the proceedings dated 22.09.2015, they cannot discriminate the petitioners alone for granting such benefit, citing a flimsy reason that they do not possess the educational qualification as per the recruitment rules to the promotional post of Assistant Director (Data Centre). The learned counsel would further submit that when the petitioners have now put in more than 30 years of service, they are eligible for the 2nd financial upgradation as per the ACP Scheme on completion of 24 years of service, as has been granted to the other similarly placed persons. However, the Tribunal, without appreciating the object and purpose of the ACP Scheme, has wrongly



rejected the request of the petitioners for such financial upgradation, which requires interference at the hands of this Court. The learned counsel for petitioners also relied upon the following decisions in support of her submission that the educational qualification is not relevant for implementing the ACP Scheme:-

- (i) *Amresh Kumar Singh v. State of Bihar*, 2023 SCC OnLine SC 496
- (ii) *Union of India v. G.Rajanna*, (2008) 14 SCC 721
- (iii) *Hukum Chand Gupta v. Director General, ICAR & others*, (2012) 12 SCC 666
- (iv) *Dharam Pal Singh & others v. Union of India & others*, CAT order dated 03.08.2023
- (v) *Union of India v. Dharam Pal Singh*, W.P.(C) No.2925 of 2024 dated 28.02.2024
- (vi) *Union of India v. Dharam Pal Singh*, SLP (C) Diary No.24753 of 2025
- (vii) *Union of India v. Sheetal S.Keni*, W.P.No.2032 of 2025 dated 24.07.2025, High Court of Bombay

The learned counsel further relied upon a judgment of the Supreme Court in the case of *Union of India and others v. Munshi Ram*, 2022 SCC OnLine SC 1493 for the proposition that the employees under the same employer are to be treated in parity and the order passed by the Tribunal in one State shall apply to others.

7. Per contra, the respective learned Senior Panel Counsel appearing on behalf of the respondents, taking us through the Office Memorandum dated



09.08.1999 issued in respect of the Assured Career Progression Scheme for the Central Government Civilian Employees, more particularly, Para 6 prescribing fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme, would submit that when the petitioners herein have not fulfilled the norms prescribed for getting the pay scale in PB-3 with grade pay of Rs.5400/- as per the recruitment rules governing the post of Assistant Director (Data Centre) by possessing the Graduate degree in the subject Statistics/Mathematics / Operation Research / Physics/ Economics/ Commerce/ Computer Application of a recognized University or equivalent, they are not eligible under the Scheme for claiming such benefit. The learned Senior Panel Counsel would also submit that when the representations of the petitioners have been duly considered by the Department and the Department had not acceded to the relaxation in the educational qualification under the recruitment rules on two



occasions, the Department is duty bound to follow the guidelines issued in this regard. However, the petitioners have been rightly granted with the 2nd financial upgradation under the MACP Scheme with grade pay of Rs.4800/- on completion of their 24 years of service. Therefore, the petitioners cannot plead that they have been discriminated, when the fact remains that similarly placed 20 persons have been given the pay scale in PB-3 with grade pay of Rs.5400/- on their fulfilling the requisite norms for getting such benefit in the cadre of Assistant Director (Data Centre). The Tribunal has appreciated these facts and has rejected the request of the petitioners for financial upgradation, which requires no interference at the hands of this Court.

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

9. Admittedly, the petitioners have now been granted the 3rd MACP grade pay of Rs.4800/- in the applicable pay band for their service as Data Entry Operators in the respondent Department in the year 2013, after they were granted the 2nd ACP in the applicable pay band with grade pay of Rs.4600/- in the year 2007. However, they stake a claim for payment of the grade pay of Rs.5400/- in the PB-3, which is applicable to the post of Assistant Director (Data Centre) under the ACP Scheme by relying upon the proceedings dated



22.09.2015 issued by the Department accepting their grievance as genuine and that when such benefit had also been granted to similarly placed persons already, the petitioners alone cannot be discriminated. It is to be noted that as per the recommendations of the 6th Central Pay Commission, this scheme was brought to an end and a new scheme called the MACP Scheme was introduced, which has been in force w.e.f. 01.09.2009. The 6th Pay Commission had also recommended that the posts of Junior Supervisor and Senior Supervisor be merged and the same grade pay of Rs.4200/- be fixed for both the posts. After merger of both these posts, the promotion of Data Entry Operator Gr. 'B' has been considered as a single promotion either in the grade of Junior Supervisor or in the grade of Senior Supervisor. The DoP&T approved the proposal for granting the 2nd financial upgradation under the ACP Scheme to Data Entry Operator Gr. 'B' of Electronic Data Processing (EDP) cadre in the grade of Assistant Director (Data Centre) on completion of 24 years of regular service (i.e. for those who have completed 24 years between 01.01.2006 to 31.08.2008). Para 6 of the O.M. dated 09.08.1999 made it clear that an officer has to fulfill all the promotional norms for grant of financial upgradation under the ACP Scheme and in compliance thereof, the 2nd financial upgradation under the ACP Scheme has been granted in the promotional grade of Assistant Director (Data Centre) to those Data Entry Operators (DEO) Gr. B/Sr. Supervisors who have completed all the promotional norms for the post of Assistant Director (Data



Centre). Though the petitioners plead that they should be granted the 2nd financial upgradation in the pay scale pertaining to the post of Assistant Director (Data Centre), as per the Recruitment Rules followed by the respondents for promotion to the post of Assistant Director (Data Centre), an employee has to be a graduate in the subject of Mathematics/Commerce/Statistics/Economics/Operation Research/Physics/Computer Application. Since the petitioners did not possess the Graduate degree in any of the above subjects, their request for grant of the 2nd financial upgradation in the pay scale and grade pay governing the post of Assistant Director (Data Centre) was rejected. However, in pursuance of the order passed by the Tribunal to consider the representations of the petitioners, the authority concerned granted the 2nd financial upgradation under the existing MACP Scheme in the pay band PB-2 of Rs.9300-34800 with a Grade Pay of Rs.4600/-, which was increased to Rs.4800/- as per the RGI office order dated 03.07.2013. When the petitioners have not satisfied the norms, they cannot claim parity with those Data Entry Operators who have fulfilled the requisite eligibility norms in the grant of financial upgradation for the post of Assistant Director (Data Entry) under Para 6 of the Scheme.

10. The learned counsel for the petitioners placed heavy reliance upon the order passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A.No.2416 of 2016 dated 03.08.2023 granting the 2nd financial



upgradation under the ACP Scheme in PB-3 with grade pay of Rs.5400/- to similarly placed Data Entry Operators like that of the petitioners, following the judgment of the Supreme Court in the case of *Amresh Kumar Singh v. State of Bihar*, 2023 SCC OnLine SC 496. It was also pleaded that the said order has also been affirmed by the Division Bench of the Delhi High Court vide order dated 28.02.2024 and the Special Leave Petition filed against the same has also been dismissed by the Hon'ble Supreme Court vide order dated 24.06.2025. The same view has also been taken by the Division Bench of Bombay High Court in W.P.No.2032 of 2025 dated 24.07.2025. A perusal of the above judgments would show that Para 6 of the ACP Scheme have not been dealt with anywhere by the Principal Bench of the Tribunal or by the Division Benches of the Delhi and Bombay High Courts and they have allowed the claim following the judgment of the Hon'ble Supreme Court in *Amresh Kumar Singh case (supra)* holding that the educational qualification is not mandatory for claiming the financial upgradation. Therefore, the said judgments are distinguishable in the facts of the present case.

11. As held by the Hon'ble Supreme Court in the case of *Hukum Chand Gupta v. Director General, ICAR and others*, (2012) 12 SCC 666, following its earlier judgment in the case of *State of Punjab v. Surjit Singh*, (2009) 9 SCC 514, while considering the doctrine of “equal pay for equal work”, a mere



nomenclature designating a person as say a carpenter or a craftsman is not enough to come to the conclusion that he is doing the same work as another carpenter or craftsman in regular service, since the quality of work which is produced may be different and not just a comparison of physical activity. It was also held that functions may be the same but the responsibilities make a difference and thus, normally the applicability of this principle must be left to be evaluated and determined by an expert body. These are not matters where a writ court can lightly interfere.

12. In the light of the above, this Court does not find any perversity or error in the order passed by the Tribunal warranting interference. Accordingly, both the writ petitions are dismissed. No order as to costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
02-04-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

SS



To

1. The Registrar
Central Administrative Tribunal
Additional City Civil Court Building
Chennai 600 104
2. The Secretary to Government of India
Ministry Of Home Affairs, North Block,
Central Secretariat, New Delhi 110 001
3. The Registrar General and Census Commissioner
AD III, Section 2/A, Man Singh Road
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Tamil Nadu, Rajaji Bhavan, Chennai 600 090



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