



WEB COPY

WP No. 36440 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

**THE HON'BLE MR JUSTICE P. VELMURUGAN
AND
THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI**

**WP No. 36440 of 2023
and
WMP Nos. 36453 of 2023 & 39012 of 2025**

1. HVF OBC EW Association,
Rep by its General Secretary Balamurugan,
S/o.Ganesan, Aged About 47 Years,
Having Office at 41, J.Jayalalitha Street,
Sri Venkateswara Nagar, Near New
Kanniamman Nagar, Morai, Avadi,
Chennai - 600 055.

2. K.Udayakumar

..Petitioner(s)

Vs

1. Union Of India,
Rep. By Secretary To Government, Ministry Of
Defence, South Block New Delhi - 110 001.

2. Directorate Of Ordinance (C And S)
(formerly Ordnance Factory Board)
10-A SK Bose Road, Kolkotta - 700 001.

3. Chief General Manager,
Heavy Vehicles Factory, Avadi,
Chennai - 600 054.

4. The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai - 600 104.

5. S.Magendiran



6. P.Thulasirajan

7. A.Sekar

8. A.Raja

9. C.Palani Kumar

10.A.Iyyappan

11.A.Velmurugan

12.S.Anbu

13.D.Rajkumar

14.N.K. Venkatesan

15.K.Rajasekaran

16.R.Murugan

17.N.Sugunarajan

18.R.Ramesh Kumar

(R5 To R18 Impleaded As Per Order Dated
29.02.2024 In Wmp.3005/2024 In
Wp.36440/2023 By Rskj And Kbj)

19.Avadi Thin Oordhi Thozhilaga Thozhilalar

Munnertra Sangam, Rep. By Its General
Secretary, No.246, N.M.Road, Avadi,
Chennai 600 054.

(R19- Impleaded As Per Order Dated
28.04.2025 In Wmp.9972/2025 In
Wp.36440/2023 By Msrj And Nsj)

20.Johnson Kingley.A

21.Stephen Stewart

22.Teljo Davis



23.M.Rajagopal

24.R.Angaiyan

25.Arshadmasood

26.Julie.S.Raj

27.Azhagesan.P

28.Abdul Hameed.K

29.S.Arumugam

30.Vijin.W

31.R.Raji

(R20 To R31 Impleaded Vide Order Dated
18.08.2025 Made In Wmp.28898/2025 In
Wp.36440/2023 By Msrj And Vlnj)

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 4th Respondent Tribunal in its order dated 12.12.2023 in O.A.No.1111 of 2023, quash the same and consequently allow the original Application as prayed for.

For Petitioner(s): Mr. Karthik

For Respondent(s): Mr. AR.L. Sundaresan, ASGI
for Mr. K.S. Jeyaganeshan, SPC
for R1 to R3
Mr. R. Rajesh Kumar for R5 to R18
Mr. R. Viduthalai, Senior Advocate
for Ms. R. Revathy for R19
Mr. D. Muthukumar for M/s. Paul and Paul for
R20 to R31
R4 - Tribunal



ORDER
(Order of the Court was made by P.VELMURUGAN,J.)

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The facts of the case are that:

The 1st petitioner herein is an Association affiliated with the National Confederation of OBC Employees Welfare Association and the 2nd petitioner is a member of the said Association. The petitioners, who belong to Other Backward Class category, are industrial employees working in the 3rd respondent Factory and they were promoted on various dated as Highly Skilled Grade – I, Highly Skilled Grade-II and Master Craftsman in the Unreserved category. The principle of reservation is made applicable while effecting promotions to selection and non-selection posts. The meritorious reserved category candidates pertaining to selection posts were treated as unreserved category candidates. However, this ‘own merit concept’ was not followed for non-selection posts. Thereafter, through an Office Memorandum (OM) dated 10.08.2010, the Department has made the ‘own merit concept’ applicable to non-selection posts also, with effect from 02.07.1997. The said OM was challenged by way of an Original Application in O.A.No.1111 of 2023 before the Central Administrative Tribunal, Chennai Bench, (for brevity ‘the Tribunal’). After hearing the matter, the Tribunal had held that since the subject matter is pending before the Hon’ble Supreme Court in the case of ***Jarnail Singh Vs. Lachhmi Narain Gupta & Others*** reported in ***(2018) 10 SCC 396***, wherein an order of status quo was granted, the members of the petitioner-



Association were directed to raise objections before the respondents, who in turn, were directed to consider the objections in accordance with the observations issued by the Hon'ble Supreme Court as well as the guidelines issued by the DoPT and the Board Head Quarters within one month thereafter. Aggrieved over the same, the petitioners have filed the present Writ Petition.

2. The learned counsel for the petitioners would submit that the official respondents have published the tentative seniority list dated 27.11.2023 and have not understood the guidelines issued by the Hon'ble Supreme Court in ***Jarnail Singh's case (supra)***, as well as the DoPT guidelines issued subsequent to the directions of the Hon'ble Supreme Court. He would further submit that when the petitioners challenged the action of the official respondents before the Tribunal, the Tribunal failed to consider the fact that the DoPT OM, dated 10.08.2010, has already been quashed by the Punjab and Haryana High Court and the issue is pending before the Hon'ble Supreme Court. Thus, by disturbing the settled seniority, the official respondents have published the seniority list, which would cause prejudice to the petitioners herein. Therefore, the learned counsel submitted that till the disposal of the SLP before the Hon'ble Supreme Court, the official respondents should not be allowed to follow the OM dated 10.08.2010 by effecting promotions retrospectively with effect from 02.07.1997 and hence sought for setting aside the order of the Tribunal.



3. Per contra, the learned Senior Counsel appearing for the 19th respondent-Union, as well as the learned counsel appearing for the private respondents, would submit that pursuant to the order of the Tribunal, the official respondents have revised the seniority affecting the promotional prospects of the petitioners. They submitted that the seniority list is implemented with retrospective effect, more specifically during the pendency of the SLP before the Hon'ble Supreme Court. In spite of specific directions by the Tribunal to make representations, the petitioners have approached the High Court by way of this Writ Petition. Since there are no adverse orders being passed subsequent to the order of the Tribunal and also since the decision to be taken by the respondents is subject to the decision in the SLP, the learned counsels sought for dismissal of the Writ Petition.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, the Government follows a policy in matters of promotion by way of issuing OMs. In the instant case, the OM dated 10.08.2010 was issued by the respondents, which came to be challenged by some of the employees of non-SC/ST category before the Punjab & Haryana High Court. The said OM was quashed, as against which, SLP in *Jarnail Singh's case* (*supra*), was preferred before the Hon'ble Supreme Court. After having heard



the parties, the Hon'ble Supreme Court had granted an order of status quo until further orders. When the issue is pending before the Apex Court, the official respondents have taken certain decisions to adopt the promotion policy. Challenging the same, an Original Application was filed by the petitioners, wherein the Tribunal had directed the petitioners to give representations raising their objections with a consequent direction to the respondents to consider the same, in accordance with the interim order of the Hon'ble Supreme Court, as well as by following the guidelines issued by DoPT and the Board Head Quarters. However, the petitioners have approached this Court without exercising the option of making representations before the respondents.

6. The learned counsel for the petitioners vehemently contended that though the respondents have stated in their counter affidavits that they would abide by the directions issued by the Tribunal by way of giving opportunities to the petitioners to raise their objections, no useful purpose would be served if fresh representations are made to the respondents, which according to them is a futile exercise. This Court is of the view that since the respondents have published the seniority list and has stated that the promotions would be subject to the outcome of the SLP pending before the Hon'ble Supreme Court, the petitioners shall make representations raising their objections, which shall be considered by the respondents in accordance with law. It is also made clear that any decision to be taken by the respondents interregnum shall be subject to the



final outcome of the SLP pending before the Hon'ble Supreme Court and the employees shall not be put to any hardship in view of the action to be taken by the Department.

7. Under these circumstances, this Court does not find any reason to interfere with the order passed by the Tribunal and hence, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(P.V.,J.) (K.G.T.,J.)
09-04-2026

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

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To

1. The Secretary to Government,
Ministry Of Defence, South Block,
New Delhi - 110 001.
2. Directorate of Ordinance (C And S)
(formerly Ordinance Factory Board)
10-A SK Bose Road, Kolkotta - 700 001.
3. Chief General Manager,
Heavy Vehicles Factory,
Avadi, Chennai - 600 054.
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