



WEB COPY

W.P.No.6033 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2026

CORAM

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.6033 of 2026

and

W.M.P.No.6549 of 2026

1. Union of India,

Rep.by its Director General,

Indian Council of Medical Research,

Ansari Nagar, New Delhi – 110 001.

2. Director National Institute of Epidemiology,

(Indian Council of Medical Research)

Ayyapakkam, Chennai – 600 077.

3. Senior Administrative Officer,

National Institute of Epidemiology

(Indian Council of Medical Research)

Ayyapakkam, Chennai – 600 077.

.... Petitioners

Vs



Dr.V.Selvaraj

S/o.Vadivoo

W.P.No.6033 of 2



... Respondent

WEB COPY

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issuance of Writ of Certiorari, to call for the records from the Central Administrative Tribunal, Chennai, relating to its order dated 24.06.2025 in O.A.No.310/00704 of 2018 and quash the same as illegal, arbitrary, without jurisdiction.

For Petitioner(s): Mr.K.Srinivasa Murthy

For Respondent(s): Mr.Balan Haridoss

ORDER

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

This Writ Petition has been filed challenging the order dated 24.06.2025 passed in O.A.No.310/00704 of 2018 by the Central Administrative Tribunal, Chennai.

2. The brief facts of the case are as follows:

2.1. The respondent herein was appointed as a Statistical Assistant on 05.03.1982 at the erstwhile Institute for Research in Medical Statistics (IRMS), Chennai. He was subsequently relieved from IRMS and posted on deputation as Technical Officer in the pay scale of Rs.2,000-3,200 w.e.f. 06.03.1987.

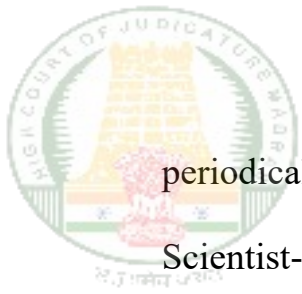


Thereafter, he was promoted as Senior Technical Assistant w.e.f. 13.02.1989 in the pay scale of Rs.1,640–60–2,600–EB–75–2,900.

WEB COPY

2.2. After completion of the deputation period, he was relieved from the deputed post and rejoined in the IRMS as Senior Technical Assistant w.e.f. 06.03.1990. Upon completion of 30 years of service, the respondent was granted a third financial upgradation under the MACP scheme, and was placed from Pay Band-3 (Rs.15,600-39,100 + GP 5,400) to Pay Band-3 (Rs.15,600-39,100 + GP 6,600). Despite being fully aware that he was holding the post of Technical Officer-A in the Technical Cadre carrying Grade pay Rs.6,600/-, the respondent participated in the Limited Departmental Competitive Examination (LDCE) for appointment to the post of Scientist-B carrying Grade Pay of Rs.5,400/-. Upon selection, he joined the Scientific Cadre on 16.08.2012. The age of superannuation in the Scientist Cadre is 62, whereas in the Technical Cadre it is 60 years. While so, on attaining the age of superannuation, i.e., 62 years, the respondent retired from service on 31.01.2015.

2.3. It is further stated that pursuant to the order dated 13.11.2014 passed by the High Court of Delhi in W.P.(C).No.5710 of 2001, the Indian Council of Medical Research (ICMR) introduced a scheme known as Merit Based Assessment Promotion Scheme (MBAPS) for Group 'B', 'C' and 'D' Technical Staff notionally with effect from 01.01.1987 and with actual monetary benefits w.e.f. 01.01.1996. In terms of the said scheme, the respondent was granted



periodical upgradations up to 15.08.2012, i.e., the date preceding his joining as Scientist-B, and the consequential arrears were also disbursed. His pay was accordingly revised based on the benefits extended under the MBAPS.

2.4. Upon his appointment as Scientist-B, the respondent's pay was fixed in accordance with FR 22(1)(a)(1) in the pay band of Rs.15,600-39,100 + Grade pay of Rs.5,400/-, and his basic pay was fixed at the maximum of Rs.39,100/- w.e.f. 16.08.2012. Since the pay last drawn by him in the lower post (i.e., Rs.43,210/-) exceeded the maximum of the said pay band, the same could not be protected. Having reached the maximum of the pay scale in the post Scientist-B, no annual increments were admissible and only Dearness Allowance was payable. Accordingly, the respondent's pension was calculated based on the last drawn basic pay of Rs.39,100/- with Grade pay of Rs.5,400/-, which was subsequently revised to Rs.1,17,400/- (Level-10) under the 7th Central Pay Commission concordance table. After implementation of the MBAPS, the third respondent issued a pay fixation order dated 02.08.2017.

2.5. Subsequently, the respondent submitted representations dated 12.08.2017 and 01.11.2017 for protecting pay and pension after the implementation of MBAPS promotion scheme even after joining to the Scientific Cadre and also expressed his willingness to forgo two years service in the Scientist Cadre. The said representations were considered and rejected by the third respondent *vide* communications dated 19.12.2017 and 29.12.2017.



2.6. Challenging the aforesaid communications, the respondent filed O.A.No.704 of 2017 before the Central Administrative Tribunal, Chennai. The petitioners filed a detailed reply by contending that the claim of the respondent was untenable. However, the Tribunal, without properly appreciating the stand of the petitioners and by focusing solely on the monetary aspect, issued directions in favour of the respondent. Aggrieved by the said order, the present writ petition has been filed.

3. The learned counsel for the petitioners submitted that the Indian Council of Medical Research issued guidelines on 05.11.2012, followed by subsequent clarifications on 08.02.2017 and 25.04.2017 regarding fixation of pay. However, the Tribunal, while passing the impugned order, failed to take these into consideration. In Paragraph No.39 of the order dated 24.06.2025 in O.A.No.310/00704 of 2018, it is stated as follows:

“39. Though the guidelines issued by ICMR gives the benefit of past service including payment of arrears, pay protection, etc., to Scientist – B recruited through LDCE from technical cadre of ICMR without their reversion to the technical cadre, the respondents have rejected the request of the applicant for pay protection as well as for reverting back. All that is stated in para 3.4 of the reply statement is that the applicant’s representation for protecting pay and pension under MBAPS from 16.08.2012 to 31.01.2015 could not merit favourable consideration by the respondent No.2 in consultation with ICMR. When the guidelines



specifically allowed pay protection to Scientist-B recruited through LDCE from technical cadre of ICMR without their reversion to the technical cadre, the reasons for rejection of the request of applicant is not clearly coming forth.”

4. The learned counsel for the petitioners contended that the Tribunal erred in allowing the application without appreciating that, while the respondent's initial appointment in ICMR on 05.03.1982 was duly reckoned for pensionary benefits, his pay fixation under MBAPS was rightly based only on his appointment as Technical Officer (Direct Recruitment) with effect from 13.02.1989. It was further contended that the Grade pay of Rs.6,600/- was the result of career progression under ACP/MACP and such benefits cannot be extended to MBAPS, which is an assessment based scheme distinct from automatic financial upgradation. It was also submitted that the Technical and Scientific cadres are governed by separate statutory rules, and the higher grade pay of Rs.8,700/- attached to the post of Principal Technical Officer cannot be imported into the post of Scientist-B. The clarification dated 08.02.2017 permits pay protection only within the applicable pay band, and any excess is liable to be restricted. Further, the respondent having not opted for reversion to the Technical Cadre, cannot claim benefits attached to the cadre while continuing in the Scientific Cadre. Hence, the Tribunal erroneously allowed the application on



a misplaced consideration of monetary disparity without due regard to the governing rules.

WEB COPY

5. The learned counsel for the respondent submitted that the Tribunal has rightly directed the petitioners to consider the discrepancies pointed out by the respondent in his letters dated 12.08.2017 and 01.11.2017, in response to the Memorandum dated 02.08.2017 and in the light of the applicable guidelines and clarifications. It was further contended that instead of complying with the said direction by passing a reasoned speaking order in accordance with the guidelines issued by the Indian Council of Medical Research (ICMR), the petitioners have chosen to challenge the order. Hence, the writ petition is not maintainable.

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

7. There is no dispute regarding the post held by the respondent. The only issue that arises for consideration is whether, upon his appointment as Scientist-B on 16.08.2012, pay fixation ought to have been carried out in accordance with the guidelines issued by the ICMR.



8. It is the contention of the learned counsel for the petitioners that the Tribunal, while passing the order, failed to consider the applicable guidelines and clarifications relating to pay fixation, particularly those concerning the option available to the employee. However, a perusal of the order of the Tribunal shows that, it has merely directed the petitioners to consider the relevant guidelines and pass a reasoned and speaking order, and also to revise the pay fixation, if warranted, or in the alternative, to consider the request of the respondent for reversion to the Technical Cadre, subject to adjustment/recovery of the pay and allowances drawn in the post of Scientist-B.

9. In view of the guidelines dated 05.11.2012, the Official Memorandum dated 08.02.2017, and subsequent clarification dated 25.04.2017, this Court is of the view that the petitioners shall consider the representation of the respondent in the light of the said guidelines and pass orders on merits.

10. Though the learned counsel for the petitioners contended that the Tribunal has made certain observations on the merits of the claim, this Court is of the view that such observations are only *prima facie* in nature and shall not stand in the way of the petitioners while reconsidering the matter. The petitioners are directed to independently examine the representation of the respondent, strictly in accordance with the applicable rules, guidelines and clarifications issued by the ICMR, and pass a reasoned and speaking order,



uninfluenced by any observations made by the Tribunal, within a reasonable time.

WEB COPY

11. With the above directions this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(P.V.,J.) (K.G.T.,J.)

13.03.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ms

To

The Presiding Officer,
Central Administrative Tribunal,
Chennai.



WEB COPY

W.P.No.6033 of 2



P.VELMURUGAN, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

ms

W.P.No.6033 of 2026

and

W.M.P.No.6549 of 2026

13.03.2026