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W.P.No. 907 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.907 of 2026 and
W.M.P.Nos.1107 & 1112 of 2026

1. Union of India
Represented by the Secretary,
Ministry of Defence, South Block,
New Delhi – 110001.
2. Air Chief Marshal,
Air Head Quarters, Vayu Bhavan,
New Delhi – 110 106.
3. Air Officer Commanding,
HQ Maintenance Command, IAF, OI/C PC,
Vayusena Nagar, Nagpur 440 007.
4. The Commanding Officer,
8, Base Repair Depot, Air Force Station,
Avadi, Chennai – 6000 055.

... Petitioners

Vs.

D.Dorai
Chargeman (FMT) P/A,
No.31416T 8 Base Repair Depot,
AF, Avadi, Chennai – 600 055.

... Respondent



W.P.No. 37 of 2024

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records pertaining to order dated 20.09.2024 passed in Original Application No.1095 of 2015 by the Central Administrative Tribunal, Chennai Bench, and quash the same.

For Petitioners : Mr.A.R. Sakthivel

For Respondent : Mr.D.Muthukumar for M/s. Paul & Paul

ORDER

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

This Writ Petition has been filed by the Union of India against the order of the Central Administrative Tribunal, Chennai Bench, in O.A.No.1095 of 2015 dated 20.09.2024, whereby, the writ petitioners were directed to promote the respondent notionally to the post of Foreman from the date of vacancy i.e. 01.04.2013 with all consequential benefits, including retiral benefits and the petitioners were granted time of three months to complete such exercise.

2 Mr.A.R.Sakthivel, learned counsel for the petitioners would submit that the Tribunal has passed the order granting the prayer sought for by the respondent,



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which is contravenes the express provisions of the Recruitment Rules but also fundamentally alters the statutory structure of recruitment without jurisdiction.

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2.1 The learned counsel contended that the dispute pertains to the filling of a Foreman post at 8 Base Repair Depot, Air force Station, Avadi, which became vacant on 01.05.2013. The Recruitment Rules governing this post mandate that 66.66% of Foreman vacancies be filled by promotion and 33.34% by deputation. At the time of vacancy, two Foreman posts had already been filled through promotion, leaving the third and final post to be filled strictly by deputation.

2.2 Despite sincere efforts to fill the vacancy via deputation, no suitable candidate was available. Based on the continuing shortage of manpower in the supervisor cadre, the fourth petitioner submitted a proposal to divert the deputation vacancy to promotion mode, which was transmitted to Air Headquarters, which in turn acknowledged the situation, but, advised that diversion of quota required formal approval from the Ministry of Defence and the Union Public Service Commission (UPSC). Hence a draft amendment to the Recruitment Rules proposing 100% promotion mode was also forwarded for consideration, however the UPSC did not accept this and instead approved a revised ratio of 70% promotion and 30% deputation.



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2.3 In this backdrop, the respondent's case could not be considered and the same has been put forth by petitioners, which was not considered by Tribunal. The statutory Recruitment Rules prescribe the quota with reference to total sanctioned strength of posts, not by simple sequential count or turn-based roster, which are not independently determinative of mode of recruitment unless mapped against total establishment and calculated in a manner that satisfies and prescribed quota ratio. Hence interpreting the fourth vacancy as promotional, without correlating to overall composition, misapprehends the framework of the Recruitment Rules. Therefore the Tribunal went in wrong in treating the historical non-utilization of deputation quota as legal justification for promotion, which is liable to be set aside.

3 Learned counsel for the respondent would contend that the respondent was working as Chargeman, (FMT) under the control of 4th petitioner. The next avenue of promotion for the respondent is to the post of Foreman and on completion of 5 years of service in the post of Chargeman, the respondent is eligible to be considered for promotion as Foreman. A vacancy in the said post arose on 01.05.2013, due to the retirement of one Foreman Mr.R.Kasi on 30.04.2013. The respondent, being the senior most eligible person, represented to 4th petitioner on



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13.05.2013 for considering him for promotion and 4th petitioner also recommended his name for promotion, but the Head Quarters rejected the recommendation saying that 66.66% of the post to be filled up by promotion and the remaining 33.34% promotion by deputation.

3.1 The respondent has also given his willingness to be considered provisionally for promotion till clarification is received from the competent authority and in case of refusal, he is willing to forego the promotion. But, 4th petitioner vide communication dated 29.06.2015 informed the respondent that no further action would be taken in the matter till clarification from the Head Quarters is received. Hence the respondent filed O.A.No.1095 of 2015.

3.2 Therefore the learned Tribunal, after analysing the facts and circumstances, vide its order dated 20.09.2024, rightly granted the prayer sought for by the respondent giving valid reasons, which does not call for any interference of this Court.

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



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5 According to learned counsel for the petitioner, 8 BRD, AF, has establishment of 3 posts of Foreman and as per Recruitment Rules (RRs), 66.66% of vacancies are to be filled by promotion mode and remaining 33.34% of vacancies are to be filled by deputation mode. Hence the present one post of Foreman should be filled by deputation mode as per RR. Further due to non availability of suitable candidate and considering the continuing shortage of manpower, the fourth petitioner also sent proposal to divert the deputation vacancy to promotion mode, which was not accepted by the UPSC and instead they approved a revised ratio of 70% promotion and 30% deputation. Hence the present post is strictly to be filled by deputation mode by following the RR in letter and spirit.

6 It could be seen from the reply statement filed by the petitioners herein, in the O.A.No.1095 of 2015, that the fourth respondent was allotted 03 Foreman post and as per the RR 66.66 % should be filled by promotion and 33.34% should be filled by deputation.

7 Now it could be seen from the records that all the 03 posts of Foreman were filled and out of which, one came to be vacant due to the retirement of one Foreman namely R.Kasi on 30.04.2013 and hence the respondent, being the senior



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most eligible person, sent representation to the fourth respondent on 13.05.2013 to consider him for promotion to the post of Foreman.

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8 As per the reply of the petitioners to the RTI query raised by the respondent, no post of Foreman has been filled through deputation from other department in 8 BRD AF, Chennai, in the last 15/20 years due to non-availability of suitable candidates. It is also an admitted fact that all the three posts were filled till the retirement of one Kasi. Therefore it could be inferred that all the three posts of Foreman were filled through promotion mode. If really the petitioners are following the RRS in a letter and spirit, one post should have been kept vacant, since the same should be as per the RRS filled by deputation. But as admitted by the petitioners, all the three posts were filled till the retirement of one R.Kasi.

9 Moreover, as admitted by the petitioners there are three posts of Foreman and there is no direct recruitment for the said post and as per the RRs two posts have to be filled through promotion mode and one post should be filled through deputation mode, if at all the same has been followed by the petitioners, now the present vacancy being the fourth vacancy, which should be filled through promotion only as per the RRs. The fourth respondent also accepting the same, sent communication to the



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Head Quarters clarifying the above issue, but the Head Quarters rejected the same.

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10 Therefore, the Central Administrative Tribunal, considering all the above facts, directed the petitioners to promote the respondent to the post of Foreman notionally from the date of vacancy i.e. 01.05.2013 with all consequential benefits, including retiral benefits. Even though this Court could not interfere with the policy decisions of the Government and give directions to the authority beyond the scope of RRs, as a special case, when on an earlier occasion, they filled all the posts through promotion mode, the same could have been done in the case of the respondent also. However, it is made clear that the case of the respondent is considered as a special case for the reasons stated above and the same will not be a precedent and shall not be relied upon as an authority in future legal disputes.

11 In view of the foregoing observations and reasons, we are not inclined to interfere with the order passed by Central Administrative Tribunal and the Writ Petition shall stand dismissed. Consequently connected miscellaneous petitions are closed. No costs.

[PVJ]

[KGTJ]

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