



Writ Petition No.6924 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON 22.01.2026	PRONOUNCED ON 12.02.2026
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CORAM
THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Writ Petition No.6924 of 2024

E.Murugesan

... Petitioner

Vs

1.The Union of India,
Represented by Secretary,
Government of India
Department of Atomic Energy,
CSM Marg, Mumbai – 400 001.

2.Chief Administrative Officer-III,
Bhabha Atomic Research Centre (Facility)
Kalpakkam – 603 102.
Kancheepuram District.

3.The Central Administrative Tribunal,
Chennai Bench, Chennai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the production of the records relating to the order dated 19.10.2023 made in O.A.No.1966/2017 passed by the Central Administrative Tribunal, Chennai Bench quash the same and direct the respondents to grant all benefits to the petitioner treating his promotion as Scientific Assistant “A” as Scientific



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Assistant “B” w.e.f. 01.05.1994 and pass further orders.

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For Petitioner : Mr.S.Shanmuga Sundaram

For RR1 & 2 : Mr.T.V.Krishnamachari

Senior Panel Counsel

For R3 : Tribunal

ORDER

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

This writ petition has been filed by petitioner as against the Tribunal order dated 19.10.2023 to quash the same and direct the respondents to grant all benefits to the petitioner treating him as Scientific Assistant-B.

2. Heard Mr.S.Shanmuga Sundaram, learned counsel for the petitioner and Mr.T.V.Krishnamachari, learned Senior Panel Counsel appearing on behalf of the first and second respondents.

3. Mr.S.Shanmuga Sundaram, learned counsel for the petitioner would submit that the petitioner had joined the services in the Department of Atomic Energy in the year 1987 as Tradesman-B and thereafter was promoted as Tradesman-C with effect from 1991. He had also acquired higher qualification in Diploma in Mechanical Engineering and was



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thereafter in an interview promoted as Scientific Assistant-A and also gained various promotions in the cadre and superannuated as Scientific Assistant-F in the year 2022.

4. He would submit that in the year 1992, the cadre of Scientific Assistant-A was abolished, but however the petitioner had been promoted in a non-existing cadre in the year 1994, when he ought to have been promoted as Scientific Assistant-B and have granted all the benefits to the same. In the year 2001, the Secretary of the second respondent had issued a clarification indicating that the Selection Committee had awarded Scientific Assistant-A which is non-operative anymore and the candidates will have to be promoted as Scientific Assistant-B, if found suitable by the Selection Committee.

5. He would further submit that the Hyderabad Bench had held that those who have promoted as Scientific Assistant-A would have to be treated as being promoted as Scientific Assistant-B and are entitled to all attendant and consequential benefits. Similar orders were also passed by the Administrative Tribunal, Chennai which came to be affirmed by the



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Division Bench of this Court, thereafter, the petitioner was called upon to give an undertaking for reconsideration. The claim of the petitioner was rejected contending that even before the circular, the petitioner had been given the post of Scientific Assistant-B and therefore, there is no question of the petitioner being given any benefit.

6. Challenging the same, the petitioner had approached this Court in which the impugned order had been passed disposing the claim of the petitioner would be subject to the Review Petition pending before this Court and that the claim could be considered as and when the orders of the High Court of Telangana is being implemented, if he is similarly situated. He would submit that the petitioner had been promoted to a non-existing post as his promotion should have been counted only as a promotion to the Scientific Assistant-B and therefore, the direction issued by the Tribunal requires indulgence of this Court.

7. Mr.T.V.Krishnamachari, learned Senior Panel Counsel appearing on behalf of the first and second respondents on the otherhand would submit that the Division Bench of this Court in a common order dated 09.08.2016 made in W.P.Nos.35386 to 35391 of 2012 and W.P.Nos.904 to 906 of 2013



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had given a categorical finding that the employees there in were not entitled for promotion as Scientific Assistant-B on a finding that the post of Scientific Assistant-A has not been abolished in the revised norms of promotion and was only subsequently revised. He would further submit that a Review had been filed in the said case and the same is pending before this Court. Therefore, he would submit that there is no error in the orders impugned in this Writ Petition. He would further submit that the judgment of the Telangana High Court is yet to be implemented. Therefore, the Tribunal was also right in giving the said direction under the impugned order which requires no interference by this Court and therefore, prays this Court to dismiss the Writ Petition.

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

9. The petitioner had originally approached the Central Administrative Tribunal by filing O.A.No.46 of 2008, wherein he had sought for relief of promoting him as Scientific Assistant-B on and from the date of his promotion as Scientific Assistant-A. The said O.A. came to be disposed of holding that the applicants who have acquired higher qualifications were

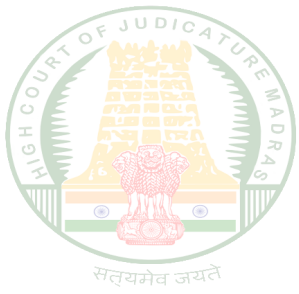


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entitled to be promoted as Scientific Assistant-B from the date of clarification letter dated 31.08.2011. The same came to be challenged by the Department in W.P.Nos.35386 of 2012 and etc., Batch and challenge of the order made in the application filed by the petitioner was also disposed of along with the said batch, upholding the judgment of the Tribunal.

10. It is an admitted case of the petitioner that the petitioner was originally promoted as Scientific Assistant-A with effect from 01.05.1994 and was promoted as Scientific Assistant-B with effect from 01.05.1998 and was further promoted as Scientific Assistant-C with effect from 01.05.2002. Even though, the case of the petitioner was that he was entitled to be promoted as Scientific Assistant-B from the initial date of promotion, it is to be noted that the Tribunal had only directed promotion to the post of Scientific Assistant-B from the date of clarification letter dated 31.08.2001. For better appreciation, relevant paragraph is extracted hereunder:-

“8. In the facts and circumstances of the case, we hold that the applicants, who have acquired higher qualification are entitled to be promoted as Scientific Assistant-B from the date of clarification issued in letter No.TC/1(52)/89/2001/PF-



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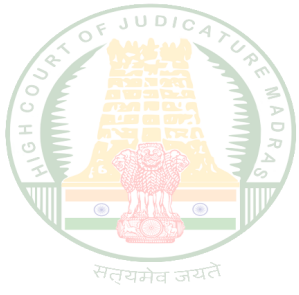


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I/2893 dated 31.08.2001 with all onsequential benefits. We direct accordingly, the respondents are further directed to carry out this exercise within a period of three months from the date of receipt of a copy of this order.”

11. The said order was never challenged to by the petitioner as the relief extracted supra does not give him the benefit that he has sought for in the Original Application ie., to promote him with effect from the year 1994. The said order has also been affirmed by this Court in the Barch of Writ Petitions filed against the common order made by the Tribunal. When that being so, the petitioner cannot now be heard to say that he should be granted with the benefit of treating him as promoted to the cadre of Scientific Assistant-B from the date of his initial promotion as Scientific Assistant-A.

12. Be that as it may, the Tribunal had issued directions to consider the claim of the petitioner, if the respondents are to implement the orders of the Telangana High Court if he is similarly placed, however subject to the outcome of the Review indicated in the impugned order.



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13. For the aforesaid reasons, we do not find any merits in the the

Writ Petition fails and is accordingly dismissed. However, there shall be no order as to costs.

(C.V.K.,J.)

(K.B., J.)

12.02.2026

Index: Yes/No

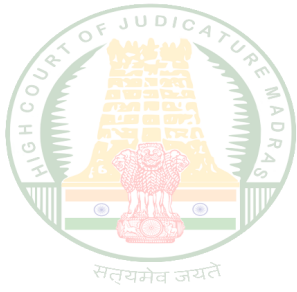
Speaking Order/Non Speaking Order

Neutral Citation:Yes/No

Gba

To

- 1.The Secretary,
for The Union of India,
Government of India
Department of Atomic Energy,
CSM Marg, Mumbai – 400 001.
- 2.Chief Administrative Officer-III,
Bhabha Atomic Research Centre (Facility)
Kalpakkam – 603 102.
Kancheepuram District.
- 3.The Central Administrative Tribunal,
Chennai Bench, Chennai.



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

Gba

A Pre-delivery judgment made in
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12.02.2026