

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 37055 OF 2025 (S-CAT)

BETWEEN:

E. NAGARAJU
S/O LATE SHRI. ERANNA,
AGE ABOUT 71 YEARS
ADMINISTRATIVE OFFICER OF
CENTRAL EXCISE (RETD),
O/O THE COMMISSIONER OF
CENTRAL TAX, BENGALURU.

R/A DOOR NO. 55/1, 9TH B CROSS,
AGRAHARA DASARAHALLI,
MAGADI MAIN ROAD,
BANGALORE – 560 079

...PETITIONER

(BY SRI. ESWARAPPA G.B., ADVOCATE)

AND:

Digitally signed by
NANJUNDACHARI
Location: High
Court of
Karnataka

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
NORTH BLOCK, NEW DELHI-110 001.
2. THE CHAIRMAN,
CENTRAL BOARD OF INDIRECT TAXES
AND CUSTOMS,
DEPARTMENT OF REVENUE,
MINISTRY OF FINANCE,
NORTH BLOCK, NEW DELHI-110 001.
3. THE PRINCIPAL CHIEF COMMISSIONER
CENTRAL TAX,

BENGALURU ZONE, C R BUILDING,
QUEENS ROAD, BANGALORE-560 001.

4. THE COMMISSIONER
CENTRAL TAX, BENGALURU ZONE
C.R. BUILDING, QUEEN'S ROAD
BANGALORE-560001.

...RESPONDENTS

(BY ASG-SD-UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS/CERTIORARI OR ANY OTHER SUITABLE ORDERS OR DIRECTIONS TO SET ASIDE THE ORDER DATED 22.10.2025, ANNEXURE-A, PASSED BY THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH IN OA No. 170/00588/20242. DIRECT THE RESPONDENTS TO GRANT THE PETITIONER NOTIONAL PROMOTION TO THE POST OF CHIEF ACCOUNTS OFFICER WITH EFFECT FROM 01.09.2010, AT PAR WITH HIS JUNIOR SHRI K SHEIKH ABDUL KAREEM, WITH ALL CONSEQUENTIAL BENEFITS SIMILAR TO THE CASE OF HIS JUNIOR AND ETC.,

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **24.06.2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

An unsuccessful applicant before the Central Administrative Tribunal, Bangalore Bench, Bangalore (for short "CAT") is before this Court, questioning the order dated 22.10.2025 in O.A.No.170/00588/2024 rejecting the prayer of the petitioner to quash the endorsement dated 21.06.2024 (Annexure-A1) refusing his request for retrospective promotion

to the post of Chief Accounts Officer on par with his junior Sri.K.Sheikh Abdul Kareem.

2. Heard learned counsel Sri.Eshwarappa G.B., for petitioner and perused the entire writ petition papers.

3. Learned counsel for the petitioner would submit that the petitioner joined service on 22.06.1972 as Lower Division Clerk (for short "LDC") and he was promoted to the cadre of Administrative Officer. It is stated that the petitioner retired on attaining the age of superannuation on 31.12.2012. Subsequent to petitioner's retirement, his junior one Sri.K.Sheikh Abdul Kareem who entered the cadre of LDC on 26.12.1973 was promoted as Chief Accounts Officer on 09.01.2015 and retired as such on 28.02.2015, approached the CAT in O.A.No.487/2018 seeking retrospective promotion to the post of Chief Accounts Officer which came to be allowed vide order dated 11.12.2019. The said order was unsuccessfully challenged by the respondents-authorities before this Court in W.P.No.11831/2020. Thereafter, the said junior of the petitioner Sri.K.Sheikh Abdul Kareem was accorded retrospective promotion to the cadre of Chief Accounts Officer from 01.09.2010. In the meanwhile, the petitioner made

representation on 28.05.2015 seeking to consider his case for promotion to the post of Chief Accounts Officer and to promote him retrospectively from the date his junior Sri.K.Sheikh Abdul Kareem is promoted. The said representation was considered and under impugned endorsement dated 21.06.2024, request of the petitioner was rejected. Questioning the same, the petitioner was before the CAT in the above stated O.A. and under impugned order passed by the CAT, rejected petitioner's O.A. Aggrieved by the same, the petitioner is before this Court in this writ petition.

4. Learned counsel Sri.Eshwarappa appearing for the petitioner contended that the junior of the petitioner Sri.K.Sheikh Abdul Kareem was promoted as Chief Accounts officer from 01.09.2010. Further, he submitted that as on the said date the petitioner was in service, as such, he would be entitled for consideration of his case for promotion to the post of Chief Accounts Officer. Non-consideration of his case for promotion to the cadre of Chief Accounts Officer on par with his junior Sri.K.Sheikh Abdul Kareem would be violative of Articles 14 and 16 of the Constitution of India. Thus, he would pray for allowing the writ petition.

5. Having heard the learned counsel for the petitioner and on perusal of the entire writ petition papers, we are not inclined to interfere with well reasoned order passed by the CAT.

6. Admittedly, the petitioner retired from service as Administrative Officer on attaining the age of superannuation on 31.12.2012. During his service none of his juniors are promoted to the next higher post overlooking the petitioner. His junior Sri.K.Sheikh Abdul Kareem was promoted as Chief Accounts Officer on 09.01.2015 subsequent to retirement of the petitioner. However, the junior of the petitioner approached the CAT in O.A.No.487/2018 seeking retrospective promotion. The said O.A. was allowed directing the respondents to accord retrospective promotion to the junior of the petitioner. Petitioner though retired in the year 2012, for the first time made representation in the year 2015 and thereafter, in July 2023 and January 2024. Mere making representations would not extend cause of action. The petitioner was sitting on the fence and only on his junior succeeding before the CAT submitted representations. The petitioner was not diligent in pursuing his remedy. Further more, by the time his junior Sri.K.Sheikh Abdul Kareem was promoted to the cadre of Chief

Accounts Officer, the petitioner had already retired and he was no more in service.

7. Normally, a person who retires from service cannot seek retrospective promotion that too after more than 10 years. A person who sleeps over his right and would not assert in time would not be entitled for any relief.

8. The Tribunal taking note of O.Ms. issued by DOPT in respect of guidelines for the Departmental Promotion Committee and decisions of the Hon'ble Apex Court has rightly denied the relief to the petitioner. No ground is made out to interfere with the order passed by CAT as well the impugned endorsement dated 21.06.2024 issued by the respondents Accordingly, the writ petition stands ***rejected***.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(RAJESH RAI K)
JUDGE**

mpk/-
CT:bms