

WEB COPY

WP No. 23080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 23080 of 2024

AND

WMP NO. 25182 OF 2024

The Union Of India,
Through The Central Board Of Excise And
Customs, Rep. by its Member (P and V) Ministry
of Finance, North Block, New Delhi-110 001

..Petitioner(s)

Vs

Shri R Bhavani Arunodayam
S/o.P.Rajagopal (late), J-909, Vaigai Colony,
Anna Nagar West, Chennai-600 040

..Respondent(s)

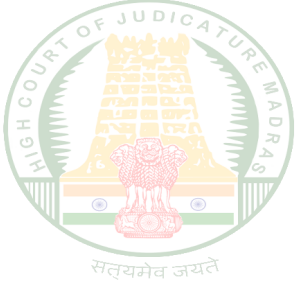
Prayer : Writ Petition under Article 226 of the Constitution of India to call for the records in O.A.No.1554 of 2015 by the Honble Central Administrative Tribunal, Chennai Bench and quash the Order dated 08.01.2024.

For Petitioner :

Ms.Divya Shree
for Mr.Rajnish Pathiyil

For Respondents :

Mr.Karthik Rajan,
for M/S.Menon, Karthik, Mukundan &
Neelakandan

**Order****(Order of the Court was made by S.M.Subramaniam J.)**

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Union of India, Central Board of Excise and Customs preferred the present writ petition challenging the order of the Central Administrative Tribunal, Chennai Bench dated 08.01.2024 passed in O.A.No.1554 of 2015.

2. Ms.Divyashree, learned counsel appearing on behalf of the petitioner / Union of India would mainly contend that the respondent was holding the post of Assistant Commissioner and he was granted promotion to the post of Deputy Commissioner with effect from 10.12.2006 vide office order dated 23.05.2013 retrospectively. Admittedly, the respondent retired from service on 30.04.2013 as Deputy Commissioner. Learned counsel would further submit that no Departmental Promotion Committee was convened during the period when the respondent was in service. Therefore, the claim of the respondent for promotion is untenable. The Tribunal considered the fact that the respondent was eligible to hold the post of Joint Commissioner and there was administrative delay in convening the Departmental Promotion Committee and on that basis relief was granted.

3. Learned counsel for the respondent would oppose by stating that the respondent retired as Assistant Commissioner on 30.04.2013. However, retrospective promotion to the post of Deputy Commissioner was granted with



effect from 10.12.2006. There was an administrative delay in convening the Departmental Promotion Committee which resulted in denial of promotional opportunity to the respondent. Thus, the Tribunal has rightly considered the case of the respondent for grant of notional promotion to the post of Joint Commissioner and that being the factum, the writ petition is to be rejected.

4. This Court considered the rival submissions made between the parties to the lis.

5. Promotions cannot be claimed as a vested right. Consideration for promotion is a right of an employee. It would arise if administrative decision is taken to fill up the promotional post. Only on such decision, a panel of eligible officers fit for promotion is to be prepared and to be placed before the Departmental Promotion Committee for consideration. This being the procedure contemplated for grant of promotion, in the present case even the Departmental Promotion Committee has not been convened when the respondent was in service. The process for grant of promotion commenced in December 2012, but admittedly not completed before the respondent attained the age of superannuation. In fact, the process was completed in December 2013 after the retirement of the respondent. Therefore, the case of the respondent was not considered for inclusion of his name in the panel of



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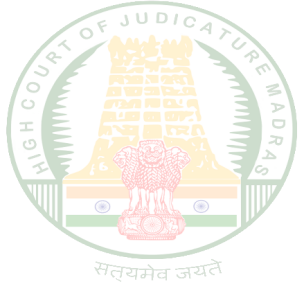
officers fit for promotion to the post of Joint Commissioner. Delay in convening the Departmental Promotion Committee would not confer any right on the employee for promotion.

6. In the present case, the respondent retired on 30.04.2013 and as on that date, none of his juniors were promoted to the post of Joint Commissioner and that being the factum, his claim for notional promotion to the post of Joint Commissioner is stale and untenable in view of the legal principles settled in the matter of promotions. The Tribunal has directed the authorities to consider the name of the respondent for promotion. Even such a relief is unnecessary since the respondent has not established any right for grant of promotion and that being the factum established, the order of the Central Administrative Tribunal, Chennai Bench dated 08.01.2014 in O.A.No.1554 of 2015 is set aside. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
16-07-2026

Index: Yes
Speaking/Non-speaking order
Neutral Citation: Yes

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AND
N.SENTHILKUMAR J.**

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