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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 33487 of 2025

1. Union Of India
Rep By The Chief Postmaster General
Tamilnadu Circle Anna Salai,
Chennai-600 002
2. The Superintendent of Post Offices
The Superintendent of Post Offices
Dharmapuri Division Dharmapuri-636 701

..Petitioner(s)

Vs

A N Jamberi

..Respondent(s)

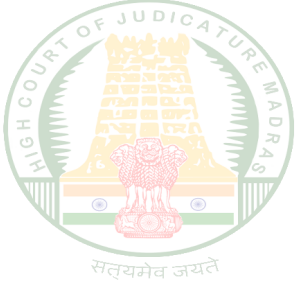
Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorari calling for the records of the Central Administrative Tribunal, City Civil Court Buildings, Chennai -600104 in O.A.No.400 of 2018 and quash the order dated 08.06.2023 passed therein.

For Petitioner(s):

Mr.ARL.Sundaresan,
Additional Solicitor General, Government of India,
assisted by
Mr.J.Vasu, Senior Panel Counsel

For Respondent(s):

Mr.S.Ramaswamy Rajarajan

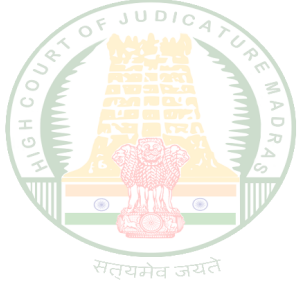
**ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

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The present writ petition has been instituted by the Union of India challenging the order of the Central Administrative Tribunal, Chennai Bench dated 08.06.2023 passed in O.A. No. 400 of 2018.

2. The respondent was appointed as GDS with effect from 26.09.1973 and no appointment order was issued. However, he worked in the department as GDS Packer/GDSMD till his appointment on 03.03.2014. Earlier, the respondent filed O.A. No. 256 of 2010 seeking a relief to promote him to the post of Postman as per his seniority. The Tribunal passed final order on 26.11.2010 as follows:

“.....In the present case also the question of age relaxation to SC candidate against unreserved vacancy is involved. Since the above view taken by this Tribunal in OA 1006/2004 has been upheld by Madras High Court in W.P. No. 631/2006, we are not persuaded to take a different view in this OA. Therefore, we direct the respondent department to convene a Review DPC and consider the applicant for the post of Postman by giving him available age relaxation to SC candidates under the rules and promote him to the post of Postman, if he is otherwise eligible with all consequential benefits from the date of appointment of second respondent. The above exercise shall be carried out by the



respondent department within a period of four weeks from the date of receipt of a copy of this order.”

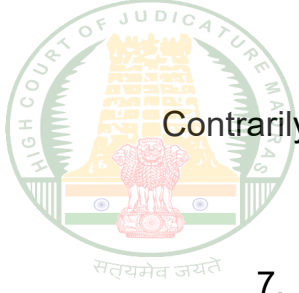
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3. The above order of the Tribunal was taken by way of an appeal by the Union of India in W.P. No. 16784 of 2011 and the Division Bench of this Court dismissed the writ petition on 12.03.2013, confirming the order of the Central Administrative Tribunal.

4. The said order came to be implemented by the Department of Post in Proceeding, dated 19.09.2014. Consequently, the respondent was appointed as Postman, Palacode SO, and he joined in the post on 03.03.2014. Pertinently, his pay has been fixed notionally with effect from 01.02.2010 and actual salary was paid from the date on which he reported for duty as Postman.

5. Not satisfied with the order of appointment issued in the year 2014, and pertinently, after a lapse of about four years, another Original Application was filed before the Central Administrative Tribunal in O.A. No. 400 of 2018, seeking a direction to treat the appointment to the post of Postman with effect from 01.02.2010 as regular, and to treat the period from 01.02.2010 to 02.03.2014 as regular service with all monetary benefits.

6. The fact remains that order of appointment of the respondent as Postman issued in Proceeding, dated 19.09.2014 remains unchallenged.



Contrarily, a direction is sought for.

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7. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India, appearing on behalf of the petitioners, would mainly contend that the terms and conditions stipulated in the order of appointment has been accepted and remains unchallenged. Therefore, the Original Application filed seeking a direction to pay monetary benefits with effect from 01.02.2010 is untenable. The terms and conditions of the appointment, including the eligibility for pension under the New Pension Scheme as been clearly stipulated in the order of appointment dated 19.09.2014. That apart, Original Application was filed, not only after a lapse of four years from the date of the appointment order, but after his retirement at the age of 62 years. Thus, the Tribunal has committed an error in granting monetary relief.

8. It is contended that respondent was not actually working in the post of Postman from the year 2010. However, his pay was fixed notionally with effect from 01.02.2010, and the period of qualifying services were also reckoned from 01.02.2010. Thus, the arrears of pay granted by the Tribunal is not in accordance with law.

9. Mr.S.Ramaswamy Rajarajan, learned counsel for the respondent would oppose by stating that order of the Tribunal earlier passed in O.A. No. 256 of 2010, as confirmed by the High Court in W.P. No. 16784 of 2011, has



not been implemented in its real spirit. The Tribunal in its earlier order directed to grant all eligible consequential benefits. Consequential benefits include the monetary benefits. Since monetary benefit alone is denied, fresh Original Application came to be instituted and the Tribunal considered the entire issues as well as the scope of the earlier order passed by the Central Administrative Tribunal in O.A. No. 256 of 2010 and granted the relief. Thus, the writ petition is to be rejected.

10. This Court is of the considered view that respondent was holding the post of GDS Packer/GDSMD till his date of appointment as Postman i.e., on 03.03.2014, the date on which he reported for duty as Postman. However, the effect of promotion as Postman was given with effect from 01.02.2010, along with notional fixation of pay, the date on which his junior was promoted to the post of Postman. Therefore, he was actually promoted with effect from 01.02.2010 as Postman, along with the notional fixation of pay and the actual monetary benefits were granted with effect from the date on which he reported for duty.

11. In this regard, the respondent has not worked in the post of Postman in-between 01.02.2010 and 02.03.2014. Therefore, he is not entitled to claim any monetary benefits for the said period. However, notional fixation of pay has been granted. Therefore, there is no monetary loss occurred to the respondent.



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12. In such circumstances, while granting retrospective promotion, "No work, No pay" principle would apply. In the present case, the respondent has not worked as Postman from 01.02.2010 to 02.03.2014. Regarding implementation of the order of the Central Administrative Tribunal in O.A. No. 256 of 2010 is concerned, petitioners herein were directed to convene a review DBC meeting and consider the respondent for the post of postman by giving him available age relaxation to SC candidates under the Rules and promote him to the post of Postman, if he is otherwise eligible with all consequential benefits from the date of appointment of 2nd respondent therein. Therefore, the Department was granted liberty to consider the case with reference to the service records, seniority, and other particulars of the respondent. The Department also considered the same and granted retrospective promotion from the date on which his junior was promoted with effect from 01.02.2010, along with notional fixation of pay and actual monetary benefits from the date of joining duty.

13. This Court is of the considered opinion that the order of the Tribunal has not been violated, but implemented in the right perspective. That apart, the respondent filed Original Application after a lapse of four years and on attaining the age of 62 years.



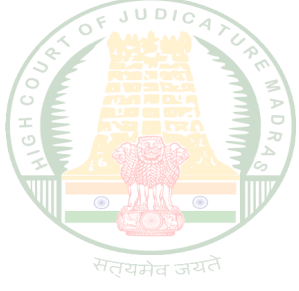
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14. Since the order of appointment was granted in Proceeding, dated 19.09.2014 and said order remains unchallenged, no further consideration would be required. Therefore, the order of the Central Administrative Tribunal dated 08.06.2023 in O.A. No. 400 of 2018 is set aside and the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
13-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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