

JVS.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 13826 OF 2025**

|                                |   |             |
|--------------------------------|---|-------------|
| Union of India & Ors.          | } | Petitioners |
| versus                         |   |             |
| Laxman Dashrath Kumbhar & Ors. | } | Respondents |

Mr. Aniruddha A. Garge, Advocate for the Petitioner.

None for the Respondents.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &  
GAUTAM A. ANKHAD, J.**

**DATE: 4<sup>th</sup> NOVEMBER 2025**

**P.C.:**

In this writ petition, a challenge has been laid to the order dated 19<sup>th</sup> September 2024 passed by the Central Administrative Tribunal (in short "Tribunal") in Original Application No. 569 of 2021.

2. The Original Application was filed by the respondents assailing the order whereby notional promotion earlier granted to them had been canceled on the ground that the promotion was to be granted only to serving employees and not the employees who have retired.

3. The respondents are retired employees of postal department who were promoted under the scheme of cadre restructuring of Group C employees of the department of HSG I (NFG) i.e. Non Functional Grade by an order dated 15<sup>th</sup> March 2019. The Department of Posts, New Delhi, by a letter dated 10<sup>th</sup> November 2017 clarified that the promotion shall be effective from the date of issue of the original order dated 27<sup>th</sup> May 2016 and shall be applicable to all eligible officials including those who were in service on that date but have since retired. Subsequently, the Department

of Posts, New Delhi by a communication dated 5<sup>th</sup> December 2018 further clarified that the posts of LSG, HSG-II, HSG-I, and HSG-I (NFG) shall be deemed to have been upgraded to the respective grades only with effect from the date they are actually filled, that is, from the date the promoted official assumes charge otherwise the post shall continue to remain in the lower grade.

4. Aggrieved by the order canceling their notional promotion, the respondents filed Original Application No. 569 of 2021. Upon consideration of the facts and circumstances of the case, the Tribunal concluded that the petitioners had misinterpreted the instructions of the Assistant Director General (SPN) contained in the instructions dated 5<sup>th</sup> December 2018 which stipulated that the promotion should be given only to serving employees and not to retired employees. The instructions of the Assistant Director General (SPN) dated 27<sup>th</sup> May 2019 made it explicitly clear that the retired officials were also to be included in the panel. The Tribunal further held that the clarification dated 5<sup>th</sup> December 2018 did not deal with notional promotion, nor did it contain any reference, even remotely to the retired employees.

5. As we gather from the observations made by the Tribunal in paragraph no. 13 of the order dated 19<sup>th</sup> September 2024, the Original Application filed by the respondents was allowed in view of the DoPT guidelines which are binding on the respondent-Authorities. In paragraph no. 13 of the order dated 19<sup>th</sup> September 2024, the Tribunal referred to the submission of the respondents in this regard as under: -

*“13. Learned counsel for the applicants invites our attention to the guidelines for procedure to be followed in restructuring the cadre of Group ‘C’ employees in the department of post. Clause (2)(xii) states that while effecting restructuring the instructions of DoPT should be followed.”*

6. The Order dated 19<sup>th</sup> September 2024 passed by the Tribunal reads as under:-

*“14. From the discussion made above, it is clear that the respondents misinterpreted the instructions of the Assistant Director General (SPN) contained in instructions dated 05<sup>th</sup> December, 2018 that the promotion should be given only to the serving employees and not to the retired employees. The clarification as indicated earlier does not give any such indication.*

*15. In this view of the matter, the respondents committed gross error in cancelling the notional promotion granted to the applicants.*

*16. In this view of the matter, we deem it appropriate to allow the Original Applicant. OA is accordingly allowed. The order dated 22<sup>nd</sup> March, 2019 is set aside and the order dated 15<sup>th</sup> March, 2019 is restored. The respondents are directed to extend the benefit of notional promotion to the applicants as per order dated 15<sup>th</sup> March, 2019. Pending MAs, if any, stand closed. No order as to costs.”*

7. In view of the aforesaid, we do not find any merit in the writ petition. The same is accordingly dismissed.

JAYANT  
VISHWANATH  
SALUNKE

Digitally signed by  
JAYANT  
VISHWANATH  
SALUNKE  
Date: 2025.11.13  
11:35:46 +0530

**[GAUTAM A. ANKHAD, J.]**

**[CHIEF JUSTICE]**