



WP.Nos.2902 & 29916 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2026

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P Nos.2902 & 29916 of 2018

A.Selvam Anandaraj,
Upper Division Clerk (Retired)
Puducherry Municipality,
No.4, Drowbathi Street,
Kennendy Garden, Sami Pillaihattam,
Lawspet, Puducherry-8.

...

Petitioner in WP.2902/2018

V.Kuppusamy,
Upper Division Clerk (Retired)
Puducherry Municipality,
No.19/A, Antoniar Koil Street,
Muthialpet, Puducherry-3

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Petitioner in WP.29916/2018

/vs/

1) The Commissioner,
Puducherry Municipality,
Puducherry 605 001.

2) The Director,
Local Administration Department,
Puducherry 605 001.

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Respondents in both WPs.

Writ Petitions are filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to promote notionally the petitioners to the post of Assistant with effect from 22.12.2006. The date on



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which the Octori Barrier Operators were promoted and to pass such further or other orders as may be deemed fit and proper in the circumstances of the case.

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In both WPs.,
For Petitioner : Mr.P.Suresh
For Respondents : Mr.M.Nirmalkumar,
Government Advocate (Pondicherry)

COMMON ORDER

These Writ Petitions have been filed seeking a writ of mandamus to direct the respondents to grant notional promotion to the petitioners to the post of Assistant with effect from 22.12.2006 from the date on which Octroi Barrier Operators were promoted.

2.Heard Mr.P.Suresh, learned counsel for the petitioner, and Mr.M.Nirmalkumar, learned Government Advocate (Pondicherry) for the respondents and perused the materials available on record.

3. The petitioners who were joined as clerks on a daily wages basis with effect from 16.03.1987 have been absorbed into the regular establishment in the post of junior assistant on 20.04.1990. The petitioners were given with an



upgradation under the Assured Career Progression Scheme in view of the delay caused for getting the promotion to the next level. The petitioners were given with an actual promotion in the post of senior assistant with effect from 22.12.2006.

4. As the petitioners were already granted with the financial upgradation, they were not given with any monetary benefit during their actual promotion. In the year 2007, the posts of junior assistant and senior assistant were re-designated as Lower Division Clerk and Upper Division Clerk respectively. 18 new posts of assistant [Group-B-Selection post] were also created, but they were not filled up. No recruitment rules for filling up the above posts were also published. The 1st respondent published the seniority list of Upper Division Clerks on 28.10.2010.

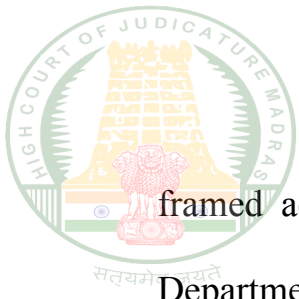
5. In the meanwhile, the persons working as 'Octroi Barrier Operators' were rendered surplus in view of the abolition of Octroi in the Union Territory of Puducherry. As they have been deployed and accommodated in the post of Lower Division Clerk, a revised seniority list was published on 07.11.2014, and thereafter the respondents filled up 18 vacant posts by promoting Octroi Barrier Operators, and they were given with a retrospective promotion to the post of Upper Division Clerk. The petitioner in [W.P.No.2902/2018](#) retired from service



on 31.07.2015, and the petitioner in WP.No.29916/2018 retired from service on 31.10.2014. The failure to initiate timely action to consider the petitioners promotion has affected them adversely. On 20.12.2006, when retrospective promotions were given to Octroi Barrier Operators, the petitioners were in constructive service, but they were not considered for promotion.

6. The learned Government Advocate (Pondicherry) for the respondents submitted that the petitioners have been promoted to the post of senior assistant only on an adhoc basis with effect from 22.12.2006. Both the petitioners were not entitled to grant the Assured Career Progression Scheme for further fixation of pay and on promotion to the senior assistant on the revised scale of pay on par with the other senior assistants. Because they did not pass the required departmental test. They failed to complete the departmental test till their retirement. Hence they were not considered for further grant of ACP or promotion to any higher post in Pondicherry Municipality.

7. The learned Government Advocate (Pondicherry) for the respondents further submitted that with regard to 18 posts created at the assistant level, for which the method of filling up of those posts, the rules of recruitment have been



framed according to which 60% are by promotion, failing which by Limited Departmental Competitive Examinations and failing both by direct recruitment; 20% are by Limited Departmental Competitive Examinations, failing which by promotion, and failing both by direct recruitment; and 20% are by direct recruitment through open competition.

8. The panel containing 23 eligible candidates was placed before the Departmental Promotion Committee, which was duly constituted on 20.07.2016 for selection to the post of Assistant. After due scrutiny, the Departmental Promotion Committee recommended 22 candidates for promotion based on merit. As the petitioners had already retired, they did not come within the ambit of selection.

9. The only grievance of the petitioners is that the promotions were not done in a fixed time limit and that had caused the loss of promotional avenues to the petitioners. The petitioners were promoted in the year 2016 to the post of senior assistant. Before that they were given with the upgradation pay. So for as the next level promotion that was open to the petitioners, it was to the post of assistants. The 18 posts that had been created in the cadre of assistants were not



filled up at the time when the petitioners were in service.

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10. For the reasons best known to the respondents, there was a delay in recruiting/promoting persons to the post of assistants. Just because any policy decision is taken at a later point of time to expedite the promotion or to do recruitment after a person retires from service, the retired person cannot claim that they would have been given with the promotion if timely action is taken and hence the benefit should be given to them with retrospective effect.

11. Time and again the position of law on this aspect has been reiterated that no one can claim promotion as a matter of right, though it is an indispensable post if any ones career. If the promotions were given as and when due it could have been appreciated. For the reasons best known to the respondents, promotions are withheld for a very long time, and during this period, a person who attained the age of superannuation got retired from service.

12. The entire exercise cannot be done once again by presuming that the retired persons are still in service. The petitioners have approached the Court after their retirement and that too after 18 years. The petitioners did not have any



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explanation for justifying the delay and laches on their part. No fancy claim for promotion subsequent to retirement can be considered unless for any extraneous reasons.

13. The delay in giving promotion to the post of assistant not only affected the petitioners but also persons similar to them who had been in service during the relevant point of time. Even the petitioners had required to what was given or denied to them while they were in service. Matters which had been given a go-by if opened all of a sudden unmindful of the impractical and endless consequences, will create complex situations which may be worse than the issue at hand. The petitioners could not justify the delay and laches which directly hit their case.

In the result, these writ petitions are **dismissed**. There shall be no order as to costs.

24.02.2025

Index : Yes
Internet : Yes/No
Neutral: Yes/No
Speaking: Non Speaking order

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R.N.MANJULA, J.
jrs

To

- 1) The Commissioner,
Puducherry Municipality,
Puducherry 605 001.
- 2) The Director,
Local Administration Department,
Puducherry 605 001.

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