



W.P.(MD)No.17915 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.17915 of 2022
and
W.M.P.(MD).No.13074 of 2022

Y.Baskaran

... Petitioner

Vs.

1.The General Manager / the Head,
IREL (India) Ltd., Manavalakurichy,
Kannyakumari - 629 252.

2.The Chairman / Managing DireCtor,
IREL (India) Ltd., Corporate Office,
Plot No.1207,
Veer Savarkar Marg,
Prabhadevi, Mumbai - 400 028.

3.The Secretary,
Department of Atomic Energy,
Anushakti Bhavan,
Charapati Shivaji Maharaj Marg,
Mumbai - 400 001.

4.The Secretary,
National Commission For Scheduled Castes,
5th Floor, Loknayak Bhavan, Khan Market, New Delhi - 110 003.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order passed by the 3rd respondent in No. 28/7/2019-SCS/14959, dated 13.12.2021, quash the same as illegal and consequently directing the respondent Nos.1 to 3 herein to regularize the service of the petitioner as Junior Fitter (Tradesman-B) w.e.f. 22.06.1986 along with continuity of service and backwages till the date of his re-appointment viz., 12.11.1990 and refix the scale of pay of the petitioner on par with similarly placed five persons appointed along with the petitioner on 22.06.1986 and consequently promote the petitioner notionally on par with his juniors and sanction all monetary benefits along with arrears within a stipulated time as fixed by this Court.

For Petitioner	: Mr.G.Sailendra Babu
For R-1 & R-2	: Mr.Sivadhanu Mohan, for M/s. S.Ramasubramaniam and Associates
For R-3 & R-4	: Mr.P.Paul Pandi, Senior Panel Counsel

ORDER

This writ petition has been filed challenging the impugned order dated 13.12.2021 rejecting the petitioner's request to regularize his service as a Junior Fitter (Tradesman-B) with effect from 22.06.1996 along with the continuity of service and backwages till the date of his re-appointment, i.e., 12.11.1990 and



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refix the scale of pay of the petitioner on par with similarly placed five persons

appointed along with the petitioner on 22.06.1986.

2. A counter-affidavit has been filed by the respondents denying the contentions of the petitioner. However, it is an admitted fact that the petitioner has retired from service on 31.05.2022 and has chosen to file this writ petition only at the verge of his retirement. The prayer sought for in this writ petition, if granted, would amount to granting notional promotion by refixing his seniority and it would also amount to refix his pay. The law is now well settled by the decision rendered by the Hon'ble Supreme Court in the case of ***Government of West Bengal Vs. Dr.Amal Satpathi and Others*** reported in ***2024 Supreme (SC) 1093***, wherein, it has been held by the Hon'ble Supreme Court that a promotion cannot be retrospectively granted after retirement as it requires actual assumption of duties and responsibilities of the promotional post. Even though a detailed counter-affidavit has been filed by the respondents stating that the petitioner is not entitled for notional promotion or for re-fixation of the seniority. This Court need not to go into the merits of the counter filed by the respondents before this Court in view of the well settled law that notional promotion cannot be granted in favour of a retired employee. It is also to be noted that notional promotion sought for by the petitioner pertains to the year



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1988-1990 and therefore, at this stage, the question of granting the relief as

sought for by the petitioner in this writ petition does not arise.

3. In view of the well settled law, this Court is not inclined to entertain this writ petition and accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

05.11.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The General Manager / the Head,
IREL (India) Ltd., Manavalakurichy,
Kannyakumari - 629 252.

2.The Chairman / Managing DireCtor,
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ABDUL QUDDHOSE, J.

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