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W.P.(MD) No.28867 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.28867 of 2022

Padmanaban

... Petitioner

-vs-

1.The Secretary to Government of Tamil Nadu
Public Works Department
Fort St.George, Chennai-600 009

2.The Principal Chief Engineer (WRD &
General) & The Chief Engineer,
(General) Water Resource Department
Public Works Department
Chepauk, Chennai-600 005

3.The Chief Engineer (WRD)
Water Resource Department
Madurai Region, Thalakkulam
Madurai-625 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for records pertain to the impugned order passed by the 2nd respondent through his proceeding vide letter No.S.



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5(2)/22463/2020-3/dated 30.11.2021 and quash the same as illegal and consequently direct the respondents to provide the petitioner the supernumerary post with notional effect from 18.01.1983 and provide the petitioner all the monetary benefits and consequential benefits to the petitioner with notional effect from 18.01.1983 on par with that of the petitioner's junior.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 30.11.2021, passed by the second respondent, rejecting the petitioner's request to provide him a supernumerary post with notional effect from 18.01.1983.

2. A counter affidavit has also been filed by the respondents 1 & 2 reiterating the contents of the impugned order.



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3. Without going into the merits of the respective contentions, this Court has to first take note of the fact that the law is well settled that notional promotion cannot be sought for by a person, who has already retired from service.

4. The Honourable Supreme Court in the case of ***Government of West Bengal and others vs. Dr.Amal Satpathi and others***, reported in **2024 SCC OnLine SC 3512**, has held that promotion cannot be retrospectively granted after retirement, as it requires actual assumption of duties and responsibilities of the promotional post. In the very same decision, it has also been held that promotion only becomes effective upon assumption of duties on the promotional post and not on the date of occurrence of vacancy or the date of recommendation. Further, it has been held in the said decision that though the right to be considered for promotion is not only a statutory right but also a fundamental right, but, there is no fundamental right to promotion itself.

5. In the case on hand, it is an admitted fact that the petitioner has retired from service and only after his retirement, he has filed this writ



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petition and he is seeking for notional promotion, which cannot be granted in view of the decision rendered by the Honourable Supreme Court in **Dr.Amal Satpathi**'s case, referred to supra.

6. In view of the well settled law, there is no merit in this writ petition and the same is, accordingly, dismissed. No costs.

21.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Secretary to Government
of Tamil Nadu,
Public Works Department,
Fort St.George, Chennai-600 009.
- 2.The Principal Chief Engineer (WRD &
General) & The Chief Engineer,
(General) Water Resource Department,
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- 3.The Chief Engineer (WRD),
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ABDUL QUDDHOSE, J.

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