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WP No. 3663 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

WP No. 3663 of 2025

and

WMP No. 4056 of 2025

1. Union of India
Represented by His Excellency
The Lieutenant Governor,
through Chief Secretary to Government,
Chief Secretariat,
Government of Union Territory of Puducherry
Puducherry.
2. The Under Secretary to Government
Department of Personnel and Administrative
Reforms (Personnel Wing),
Chief Secretariat,
Government of Union Territory of Puducherry,
Puducherry.
3. The Group Commander
National Cadet Corps Group, Head Quarters,
Government of Union Territory of Puducherry,
Puducherry.

..Petitioner(s)

Vs.

T Nallathambi

..Respondent(s)



This Writ Petition filed under Article 226 of the Constitution of India, in the nature of Writ of Certiorari, calling for the records pertaining to the order dated 12.10.2023 passed in O.A. No. No.190/2015, on the file of Central Administrative Tribunal, Madras Bench and to quash the same.

For Petitioner(s): R.Syed Mustafa
Spl. Govt. Pleader for Puducherry

For Respondent(s): Ms.Sarada. M.Ajith
For Mr.T.Sai Krishnan

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The respondents in O.A.No.190 of 2015, aggrieved by the order dated 12.10.2023 passed by the Central Administrative Tribunal, Chennai Bench, had filed the present Writ Petition, by which order, the original application filed by the respondent herein had been allowed and a direction was issued to grant monetary benefits from the date of his notional promotion, namely, 12.08.2011 to the post of Assistant.

2.The respondent, T.Nallathambi, had been appointed as Lower Division Clerk by a Direct Recruitment on 27.01.1989. He was then promoted as Upper Division Clerk on 15.11.2005 and posted at the Office of the Superintendent of



Police (HQ), Puducherry. The rules prescribed promotion to the post of Assistant after a period of 10 years of service in the post of Upper Division Clerk or on combined service of 18 years in the post of Lower Division Clerk and Upper Division Clerk, of which, not less than 5 years of regular service in the post of Upper Division Clerk should have been completed.

3.It is the case of the respondent that he had completed service of 22 years as on 10.08.2011 and though his immediate / successful juniors have been promoted, his name was omitted to be included in the tentative seniority list of Upper Division Clerk. He therefore filed O.A.No.162 of 2012 seeking promotion as Assistant retrospectively w.e.f 10.08.2011 and to confer all consequential benefits including seniority.

4.The writ petitioners, who were the respondents therein, had represented that they would consider his case separately for promotion on par with his juniors by reviewing his case in the Departmental Promotion Committee Meeting and that the proposal had not been processed. Consequently, the Tribunal disposed of O.A.No.162 of 2012 by order dated 04.10.2013 directing the writ petitioners / respondents therein to complete the process within a period of six weeks from the date of receipt of the order. The respondent herein was promoted to the post of Assistant by order dated 13.06.2014 and was posted at Karaikal. He joined duty on 16.06.2014. His salary was then fixed as notional at



Rs.9750/- w.e.f 12.08.2011 in Pay Band of Rs.9300-34,800/- with Grade Pay of Rs.4,200/- by effecting monetary benefits only from 16.06.2014 and not from 10.08.2011. He then filed O.A.No.190 of 2015, the order in which the present writ petition has been filed.

5.The Tribunal, had observed the reasons for delay in granting promotion to the respondent herein and had noted that vigilance clearance were not issued within the requisite time and therefore, his case was not considered for recognition in the post of Upper Division Clerk along with his immediate juniors. Thereafter, vigilance clearance was obtained and he was then recognized to the post of Upper Division Clerk w.e.f 15.11.2005. He was then granted notional promotion to the post of Assistant w.e.f 12.08.2011 on par with his junior and also granted monetary benefits only on and from 16.06.2014 the date when he actually joined the post of Assistant. The Tribunal had held that the non regularization of the respondent in the post of Upper Division Clerk was only owing to the delay in obtaining the vigilance clearance and the respondent cannot be put to sufferings owing to that fact and therefore, allowed the original application and set aside the orders granting monetary benefits only from 16.06.2014 and directed grant of monetary benefits from the date of his notional promotion namely, 12.08.2011 to the post of Assistant.



6.Questioning that particular order, the present writ petition has been filed.

7.Mr.Syed Mustafa, learned Special Government Pleader for the Union Territory of Puducherry, argued very forcefully, that the writ petitioners could not have regularized the respondent, in the post of Upper Division Clerk, without obtaining vigilance clearance. He pointed out such clearance was a necessity and immediately, on receiving the clearance from the Vigilance Department, the respondent had been regularized in the post of Upper Division Clerk w.e.f 15.11.2005. He further pointed out that, even when the respondent had approached the Tribunal earlier, the writ petitioners had made it clear that they would consider his case for promotion separately, to the post of Assistant, on par with his juniors.

8.It was further contended by the learned Special Government Pleader that the monetary benefits could be paid only from the date when the respondent had actually joined the post of Assistant and it cannot be extended to the period when he had not discharged duties as Assistant. He therefore urged that, the order of the Tribunal should be interfered with and set aside.

9.Ms.Saradha M. Ajith, learned counsel for the respondent, however, disputed the said contentions. According to the learned counsel, the respondent



was not regularized to the post of Upper Division Clerk only owing to the administrative delay in obtaining the vigilance clearance. Subsequently, the vigilance clearance was obtained, after delay and the respondent cannot be suffered for no fault on his part. The learned counsel pointed out that, in O.A.No.162 of 2012, the writ petitioners herein had stated before the Tribunal that they would consider the case of the respondent for promotion separately, on par with his juniors. This would necessarily meant that his seniority should not be affected, in any manner whatsoever.

10. We have carefully considered the arguments advanced and perused the material records.

11. The respondent herein had been appointed as Lower Division Clerk by Direct Recruitment on 27.01.1989. He was then promoted as Upper Division Clerk on 15.11.2005. He was entitled to the post of Assistant on completion of 10 years of service or on combined service of 18 years in the post of Lower Division Clerk and Upper Division Clerk, of which, not less than 5 years should have been discharged in the post of Upper Division Clerk. The respondent was entitled to be promoted as Upper Division Clerk on 10.08.2011, when he had completed nearly about 22 years of service. He had given a representation in this regard. He had also filed O.A.No.162 of 2012 seeking direction for promotion on par with his junior. The said original application was disposed, on



representation made by the writ petitioners that his case for promotion would be considered separately on par with his juniors.

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12. Thereafter, he was promoted to the post of Assistant by order dated 13.06.2014. He joined the post on 16.06.2014. But he was entitled for promotion on 12.08.2011. He had not been promoted only owing to the administrative delay on the part of the writ petitioners. He could have been regularized in the post of Upper Division Clerk awaiting the vigilance clearance. The delay in obtaining vigilance clearance was not owing to fault of the respondent herein. As a matter of fact, O.A.No.162 of 2012 had been disposed of by order dated 04.10.2013 by noting that the Chief Vigilance Officer had conveyed their clearance and that the case of the respondent would be considered separately for regularization in the post of Upper Division Clerk and for promotion for the post of Assistant, on par with his juniors.

13. Once that undertaking had been given, it is only appropriate that the writ petitioners abide by such undertaking.

14. We would, therefore, hold that the order of promotion dated 13.06.2014 should relate back to the date when the respondent was entitled to the post of Assistant namely, 12.08.2011. There is no justification for withholding monetary benefits and granting it from 16.06.2014. We hold that the



Tribunal had correctly appreciated the issues, in this regard. We find no infirmity in the order of the Tribunal granting monetary benefits on and from 12.08.2011 in the post of Assistant, when he had been notionally promoted to the said post.

15. Accordingly, the Writ Petition stands dismissed. No costs. A direction is issued to comply with grant of monetary benefits, as directed, within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected Writ Miscellaneous Petition is closed.

(C.V.K.,J.) (K.B.,J.)
28-01-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

SMV

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