



WEB COPY

WP No. 3677 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-01-2026**

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN**

**AND**

**THE HON'BLE MR JUSTICE K. KUMARESH BABU**

**WP No. 3677 of 2025**

**and**

**WMP No.4065 of 2025**

1. Union of India  
Represented by the Secretary to Government,  
Department of Personnel and Administrative  
Reforms (Personnel Wing),  
Chief Secretariat,  
Puducherry.

2. The Under Secretary to Government  
Department of Personnel and Administrative  
Reforms (Personnel Wing),  
Government of Puducherry,  
Puducherry

..Petitioner(s)

Vs

1. P Annamalai  
2. Shandramohane  
O/o The Sub-Registrar, Karaikal.  
3. Segar R  
Chief Secretariat, Puducherry.

..Respondent(s)

This Writ Petition filed under Article 226 of the Constitution of India, in the nature of Writ of Certiorari, to call for the records pertaining to the order dated 20.12.2023 passed in O.A.No.1378/2016, on the file of Central Administrative Tribunal, Madras Bench and to quash the same.



For Petitioner(s): Mr.R.Syed Mustafa, SGP (Puducherry)

For Respondent(s): Mrs.Y.Kavitha  
For M/s.P.V.S. Giridhar Associates for R1

### **ORDER**

**(Order of the Court was made by K.Kumaresh Babu, J.)**

The present Writ Petition has been filed, seeking a Writ of Certiorari, to call for the records pertaining to the order dated 20.12.2023 passed in O.A.No.1378 of 2016 on the file of the Central Administrative Tribunal, Madras Bench and to quash the same.

2. The learned Special Government Pleader appearing for the petitioners would submit that the 1<sup>st</sup> respondent was initially appointed as a Group D staff, in the year 1986 and was further promoted to as Lower Division Clerk and Upper Division Clerk on 03.01.1996 and 08.08.2007 respectively. The next avenue of promotion available to him was to the post of Assistant. The 1<sup>st</sup> respondent had attained the age of superannuation on 31.12.2015.

3. The learned Special Government Pleader would submit that, in the interregnum, steps have taken to fill up 204 vacancies in the post of Assistant, on ad-hoc basis. The proposal to promote 195 Upper Division Clerks who were



eligible for promotion to the post of Assistant was submitted to the Appointing Authority namely, the Lieutenant Governor in the year 2020. The Appointing Authority had approved the promotion of only 53 Upper Division Clerk as against the existing vacancies and raising queries, on 30.12.2016, had returned the file to the Department, which was received on 04.01.2016. The queries were replied and returned back the file to the Appointing Authority on the very same day and the file was received back, with the approval of the Appointing Authority, on 03.02.2016. As the 1<sup>st</sup> respondent had superannuated on 31.12.2015, the petitioners were not granted the promotion.

4. Aggrieved against the same, the 1<sup>st</sup> respondent had approached the Central Administrative Tribunal, which by the order impugned herein had directed promotion to the 1<sup>st</sup> respondent to the post of Assistant, with effect from 31.12.2015, on notional basis, with all consequential benefits flowing therefrom.

5. The learned Special Government Pleader would submit that, when the 1<sup>st</sup> respondent himself superannuated on 31.12.2015, there cannot be any promotion given to him even on notional basis. He would submit that there are 52 similarly placed employees who were not given the benefit of promotion, due to their retirement and this would open the flood-gates leading to huge financial implication to the Government. Hence, he seeks indulgence of this



Hon'ble Court in setting aside the order in O.A.No.1378 of 2016 dated 20.12.2023. He would further submit that without considering the implication of the promotion granted, the Tribunal had, in a casual manner, set aside the order dated 05.02.2016 wherein, 193 Upper Division Clerks had been given promotion as Assistants, even though the prayer of the 1<sup>st</sup> respondent was only to quash the same insofar as the 1<sup>st</sup> respondent was concerned.

6. Countering his arguments, Mrs.Y.Kavitha, learned counsel appearing for the 1<sup>st</sup> respondent would submit that, even during the tenure of the 1<sup>st</sup> respondent, vacancies has arisen and he was entitled to be promoted to the post of Assistant and proposals were also be forwarded in that regard. The file was only sent back by the Appointing Authority with certain queries and had finally approved the list, which also included the name of the petitioner. Unfortunately, the petitioner had superannuated in the interregnum and promotions were made, including the juniors to the 1<sup>st</sup> respondent. She would contended that the Tribunal has considered the issue and had held that the 1<sup>st</sup> respondent was entitled for promotion on the date when the Appointing Authority had approved the list. She would further submit that the Tribunal had relied upon the order in W.P.No.8193 of 2017 and contended that the relief should not be denied to the 1<sup>st</sup> respondent.



7. We have considered the submissions made by the respective counsels on either side and perused the materials on record.

8. It is an admitted case that the 1<sup>st</sup> respondent is eligible to be promoted as Assistant, even prior to his date of superannuation, when his name was included in the panel for promotion on 23.12.2015. As rightly held by the Tribunal, the 1<sup>st</sup> respondent who was eligible for promotion cannot be denied promotion, as the Appointing Authority has only partly approved the list and returned the file for certain queries, which was answered by the petitioners and finally, approved by the Appointing Authority on 03.02.2016. Since the list had already been approved by the Appointing Authority, in its entirety, we do not find any infirmity or irregularity in the order impugned before us necessitating interference.

9. In fine, the Writ Petition stands dismissed. However, the order of the Tribunal stands modified to the quashment of order dated 05.02.2016 only in respect of the 1<sup>st</sup> respondent alone. No order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

**(C.V.K.,J.) (K.B.,J.)**  
**22-01-2026**

smv

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No



WEB COPY

WP No. 3677 of 2



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

smv

**WP No. 3677 of 2025**

**22-01-2026**