

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.02.2026

PRONOUNCED ON : 27.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.Nos. 3692 & 3693 of 2011

W.P.No. 3692 of 2011

M.Devimeena

... Petitioner

Vs.

1. Union of India
Rep., by its Secretary to Government
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training,
New Delhi – 110 001.
2. Central Board of Excise and Customs
Rep., by its Chairman
Department of Revenue
Ministry of Finance,
Government of India,
New Delhi.
3. Government of India,
Ministry of Finance
Department of Revenue,
Office of the Chief Commissioner of Central Excise,
Rep. by the Additional Commissioner (P&V)
No.26/2, Mahatma Gandhi Road,

Nungambakkam,
Chennai – 600 034.

4. V.Radhakrishnan,
Inspector
Office of the Commissioner of Central Excise,
Trichy.
5. S.Gnanasekar,
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.
6. M.Sheela
Inspector
Office of the Commissioner of Central Excise,
Chennai – III.
7. S.Venkatesan
Inspector
Office of the Commissioner of Central Excise,
Madurai.
8. S.Ramesh
Inspector
Office of the Commissioner of Central Excise,
Trichy.
9. M.Shanthi
Inspector
Office of the Commissioner of Central Excise,
Chennai IV.
10. D.Neethivalavan
Inspector
Office of the Commissioner of Central Excise,

Madurai.

11. G.Indrani
Inspector
Office of the Commissioner of Central Excise,
Chennai III.
12. G.Venkatramanath
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.
13. S.Nagarajan
Inspector
Office of the Commissioner of Central Excise,
Madurai.
14. R.Hemalatha
Inspector
Office of the Commissioner of Central Excise,
Chennai I.
15. P.Samuel Paulraj
Inspector
Office of the Commissioner of Central Excise,
Tirunelveli.
16. T.Sivaprakasam
Inspector
Office of the Commissioner of Central Excise,
Chennai IV.
17. S.Vijayal
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.

18. H.K.Suresh
Inspector
Office of the Commissioner of Central Excise,
Chennai II.
19. R.Mohanraj
Inspector
Office of the Commissioner of Central Excise,
Chennai IV.
20. P.Sampath Kumar
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.
21. L.V.Sasikala
Inspector
Office of the Commissioner of Central Excise,
Trichy.
22. C.S.Jaya
Inspector
Office of the Commissioner of Central Excise,
Chennai III.
23. R.Ramani
Inspector
Office of the Commissioner of Central Excise,
Puducherry.
24. A.Sundararaj
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.
25. Ganesh Prabhu
Inspector
Office of the Commissioner of Central Excise,

Chennai.

26. Deepa Jayaprakash
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.
27. R.Mohan
Inspector
Office of the Commissioner of Central Excise,
Chennai II.
28. S.Thilip Basha
Inspector
Office of the Commissioner of Central Excise,
Salem
29. P.Neelavathi
Inspector
Office of the Commissioner of Central Excise,
Trichy.
30. M.Latha
Inspector
Office of the Commissioner of Central Excise,
Tirunelveli.
31. T.Dakshinamoorthy
Inspector
Office of the Commissioner of Central Excise,
Madurai.
32. K.Senthilkumar
Inspector
Office of the Commissioner of Central Excise,
Chennai.

33. L.Shankar
Inspector
Office of the Commissioner of Central Excise,
Chennai III.
34. S.Ashokraj
Inspector
Office of the Commissioner of Central Excise,
Chennai III.
35. M.Stephen Kanakaraj Samuel
Inspector
Office of the Commissioner of Central Excise,
Tirunelveli.
36. R.Pradeepa
Inspector
Office of the Commissioner of Central Excise,
Chennai II.
37. V.Renuka
Inspector
Office of the Commissioner of Central Excise,
Tirunelveli.
38. N.Muralidhar
Inspector
Office of the Commissioner of Central Excise,
Chennai - II
39. A.Venkateswaran
Inspector
Office of the Commissioner of Central Excise,
Madurai.
40. J.Sugumari
Inspector

Office of the Commissioner of Central Excise,
Coimbatore.

41. G.Subhashini
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.
42. S.Mohammed Rabic
Inspector
Office of the Commissioner of Central Excise,
Madurai.
43. C.Kannan
Inspector
Office of the Commissioner of Central Excise,
Chennai – III.
44. A.Leena
Inspector
Office of the Commissioner of Central Excise,
Trichy.
45. L.Gomathi
Inspector
Office of the Commissioner of Central Excise,
Chennai II.
46. N.Thenmozhi
Inspector
Office of the Commissioner of Central Excise,
Trihcy.
47. C.G.Raja
Inspector
Office of the Commissioner of Central Excise,
Puducherry.

48. J.Maragatha Meenakshi
Inspector
Office of the Commissioner of Central Excise,
Madurai.
49. M.Latha
Inspector
Office of the Commissioner of Central Excise,
Salem.
50. C.P.Parvathy
Inspector
Office of the Commissioner of Central Excise,
Trichy.
51. A.Nalina
Inspector
Office of the Commissioner of Central Excise,
Puducherry.
52. K.Selvaraj
Inspector
Office of the Commissioner of Central Excise,
Chennai III.
53. A.Ramu
Inspector
Office of the Commissioner of Central Excise,
Chennai I.
54. S.M.Rameshkumar
Inspector
Office of the Commissioner of Central Excise,
Salem.
55. R.Ravikumar

- Inspector
Office of the Commissioner of Central Excise,
Salem.
56. S.Murugesan
Inspector
Office of the Commissioner of Central Excise,
Trichy.
57. R.Reuban
Inspector
Office of the Commissioner of Central Excise,
Salem.
58. R.Sridhar
Inspector
Office of the Commissioner of Central Excise,
Puducherry.
59. K.P.Sukumaran
Inspector
Office of the Commissioner of Central Excise,
Salem.
60. J.Amsarajan
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.
61. R.Sheeladevi
Inspector
Office of the Commissioner of Central Excise,
Coimbatore.
62. K.Ramesh
Inspector
Office of the Commissioner of Central Excise,

Puducherry.

63. P.Boopathi
Inspector
Office of the Commissioner of Central Excise,
Chennai III.
64. T.Prema
Inspector
Office of the Commissioner of Central Excise,
Chennai III.
65. Karuppiah
Inspector
Office of the Commissioner of Central Excise,
Trichy.
66. Registrar
Central Administrative Tribunal
Madras Bench.

...Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the order dated 21.07.2010 made in O.A.No. 8 of 2009 passed by the Central Administrative Tribunal, Madras Bench and quash the same and consequently direct the third respondent to promote the petitioner to the post of Inspector of Central Excise by including her name in the list dated 16.05.2008 with all consequential benefits.

W.P.No. 3693 of 2011

1. D.Rajesh Kannan
Office of the Deputy Commissioner of Central Excise

182-C-20, Gnanagiri Road,
Sivakasi – 626 189.

2. P.Rajkumar
Office of the Deputy Commissioner of Central Excise
182-C-20, Gnanagiri Road,
Sivakasi – 626 189. ... Petitioners

Vs.

1. Union of India
Rep., by its Secretary to Government
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training,
New Delhi – 110 001.
2. Central Board of Excise and Customs
Rep., by its Chairman
Department of Revenue
Ministry of Finance,
Government of India,
New Delhi.
3. Government of India,
Ministry of Finance
Department of Revenue,
Office of the Chief Commissioner of Central Excise,
Rep. by the Additional Commissioner (P&V)
No.26/2, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034.
4. R.V.Ananthanarayanan
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26/2, Mahatma Gandhi Road,
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5. C.Saravanan

Office of the Commissioner of Central Excise
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26/2, Mahatma Gandhi Road,
Chennai.

6. R.Boopathy
Office of the Commissioner of Central Excise
Chennai – III
26/2, Mahatma Gandhi Road,
Chennai.
7. S.Shanmughakani
Inspector
Office of the Superintendent of Central Excise
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Sivakasi 626 123.
8. A.S.Venkatesan
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9. S.Karthikeyan
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10. J.Marshall
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11. E.B.Akhilan
Inspector
Office of the Superintendent of Central Excise,
Madurantagam Range,
Chengalput.
12. T.Kalidoss
Inspector
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13. B.Venkata Ramana
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14. C.Panchacharam
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Thoothukudi.
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Tiruchy.
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Salem.
61. P.Krishnan
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Office of the Commissioner of Central Excise,
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62. C.P.Parvathy
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63. A.Nalina
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64. K.Selvaraj
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65. A.Ramu
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66. S.M.Rameshkumar
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67. R.Ravikumar
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Salem.
68. S.Murugesan
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69. R.Reuban
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Office of the Commissioner of Central Excise,

Salem.

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Office of the Commissioner of Central Excise,
Coimbatore.
74. K.Ramesh
Inspector
Office of the Commissioner of Central Excise,
Puducherry.
75. P.Boopathi
Inspector
Office of the Commissioner of Central Excise,
Chennai III.
76. T.Prema
Inspector
Office of the Commissioner of Central Excise,
Chennai – III.

77. Karuppiah
Inspector
Office of the Commissioner of Central Excise,
Trichy.
78. S.Iyappa Raman
Inspector, Computer Section,
Office of the Commissioner of Central Excise,
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79. L.Balaji
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Chennai – 34.
80. M.A.Badrinathan
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Chennai – II
26/1, Mahatma Gandhi Road,
Chennai -34.
81. P.Kumar
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Office of the Commissioner of Central Excise,
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26/1, Mahatma Gandhi Road,
Chennai – 34.

82. R.Joshua Samuel
Inspector
Office of the Commissioner of Central Excise,
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83. R.Kavitha
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26/1, Mahatma Gandhi Road,
Chennai -34.
84. K.Sukumaran
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Office of the Commissioner of Central Excise,
26/1, Mahatma Gandhi Road,
Chennai -34.
85. D.Kalyanaraman
Inspector
Office of the Commissioner of Central Excise,
26/1, Mahatma Gandhi Road,
Chennai -34.
86. R.Ganapathy
Inspector
Office of the Commissioner of Central Excise,
Chennai – I
26/1, Mahatma Gandhi Road,
Chennai -34.
87. K.Ganapathy
Inspector

Office of the Commissioner of Central Excise,
No.1, Willilams Road,
Trichy.

88. Registrar
Central Administrative Tribunal
Madras Bench.

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the order dated 21.07.2010 made in O.A.No. 1075 of 2009 passed by the Central Administrative Tribunal, Madras Bench and quash the same and consequently direct the third respondent to promote the petitioners to the post of Inspector of Central Excise by including their names at appropriate places in the order No.49/2008 dated 16.05.2008 with all consequential benefits.

For Petitioner in W.P.No. 3692 of 2011	: Mr. Madur for Mr.M.Ravi
For Petitioner in W.P.No. 2693 of 2011	: No appearance
For RR 1 to 3 in both Writ Petitions	: Mr.K.Srinivasa Murthy Senior Panel Counsel for Central Government

COMMON ORDER

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

Both the Writ Petitions have been filed by the applicants before the Central Administrative Tribunal aggrieved by the orders dated 21.07.2010 in O.A.No. 8 of 2009 (W.P.No. 3692 of 2011) and in O.A.No. 1075 of 2009

(W.P.No. 3693 of 2011).

2. In view of the fact that the issue raised in both the Writ Petitions are similar and common arguments have been advanced raising the same grounds, a common order is passed in the two Writ Petitions.

3. The petitioners were working as Senior Tax Assistant, who claimed to be eligible to be considered for promotion to the post of Inspector of Central Excise. It had been contended that the post of Inspector of Central Excise should be filled by promotion on the basis of suitability following the principles as stipulated in O.M.No. 35034/7/97 ESTT dated 08.02.2002 and by O.M.No. 35034/7/97 ESTT dated 15.09.2005. It was contended that while granting promotion, the general guidelines should not be normally overlooked. If the candidate had fulfilled the necessary bench mark then promotion should be only on the basis of seniority irrespective of their performance appraiser. The Tribunal by the order dated 21.07.2010 had stated that the applicants were not eligible for promotion. The Tribunal had relied on an order of the Hyderabad Bench of the Central Administrative Tribunal in O.A.No. 398 of 2008 wherein it had been held that the Department Promotion Committee have to grade the officers as 'fit' or 'unfit' with reference to the

bench mark of 'good' and thereafter a panel must be prepared for promotion and then promotion should be granted instead of blindly following the seniority list irrespective of the appraiser performance of their work.

4. We have heard arguments advanced by Mr. Madhu for M/s. M.Rani, learned counsel for the petitioner in W.P.No. 3692 of 2011. There was no representation for the learned counsel for the petitioner in W.P.No. 3693 of 2011. We have also heard the arguments advanced by Mr.K.Srinivasamurthy, learned Senior Panel Counsel for Central Government appearing for the respondent Nos. 1 to 3 in both the Writ Petitions.

5. It is the contention of the learned counsel for the writ petitioners that their promotion to the post of Inspector in Central Excise Department has to be granted only on the basis of the guidelines issued in O.M.No. 35035/7/97-ESTT dated 08.02.2002 and further confirmed in a subsequent Office Memorandum dated 16.02.2005. It had been therefore contended that the petitioners should have been promoted from the post of Senior Tax Assistants to the post of Inspectors of Central Excise only in accordance with seniority and not on the basis of any other criteria.

6. Mr.K.Srinivasa Murthy, learned Senior Panel Counsel for Central Government appearing for the respondent Nos. 1 to 3 in both the Writ Petitions however pointed out that the Department where the writ petitioners functioned, namely, the Central Excise Department was governed by the Finance Ministry and they had issued special instructions as to how promotion should be granted and had revised the procedure in accordance with the DoPT instructions dated 08.02.2002 on and from 27.08.2008. It was contended that the said guidelines would be applicable prospectively and not retrospectively.

7. We have carefully considered the arguments advanced.

8. The Office Memorandum of the Department of Personnel and Training dated 08.02.2002 provided that the bench mark for promotion should be a gradation of 'good' and that on the basis of the said gradation, the Officer should be graded as 'fit' or 'unfit' and those, who are considered as fit should be included in that panel for promotion. It was very specifically stated that in the case of promotion, the distinction of 'selection by merit' and 'selection cum seniority' were dispensed with and they were termed as 'selection' only. These instructions were issued to the

Departmental Promotion Committees. But however, it is to be further noted that the petitioners, as Officers of the Central Excise Department were governed by the Ministry of Finance. By communication dated 07.04.2008 from the office of the Chief Commissioner of Central Excise relating to promotion for the post of Inspector gradings from 2001-2002 to 2005-2006 were called for. Subsequently, by a further communication from the Ministry of Finance, Department of Revenue dated 16.05.2008, it had been stated that subject to the decision of the Supreme Court in similar matters were pending, promotion could be granted but those Officers, who were graded 'unfit' would not be included in the selection panel and only those who had been graded as 'fit' in the prescribed benchmark of the DPC would alone be considered for promotion. This communication was to be adopted for the subsequent years and for the subsequent DPC meetings held subsequent to 27.08.2008.

9. The fact that the Office Memorandum would be adopted on and from 27.08.2008 had not been challenged by the petitioners. They only sought a right to be promoted in accordance with the Office Memorandum dated 08.02.2002. But however, the decision taken to adopt the said Office Memorandum with effect from 27.08.2008 had not been questioned by the

petitioners. The adoption of the memorandum dated 08.02.2002 is therefore prospective on and from 27.08.2008. The petitioners cannot seek advantage of the said Office Memorandum when it was not applicable to the Department where they were functioning.

10. We find no infirmity in the orders of the Tribunal and accordingly, the said orders are confirmed. The Writ Petitions stand dismissed. No costs.

[C.V.K., J.]

[K.B., J.]

27.02.2026

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

vsg

1. The Secretary to Government
Union of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training,
New Delhi – 110 001.

2. The Chairman
Central Board of Excise and Customs
Department of Revenue
Ministry of Finance,
Government of India,
New Delhi.

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

vsg

3. The Additional Commissioner (P&V)
Government of India,
Ministry of Finance
Department of Revenue,
Office of the Chief Commissioner of Central Excise,
No.26/2, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034.

Pre-Delivery Order made in
W.P.Nos. 3692 & 3693 of 2011

27.02.2026