



Writ Petition No.8795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 12.02.2026	PRONOUNCED ON 13.03.2026
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CORAM
THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Writ Petition No.8795 of 2025
and W.M.P.No.9857 of 2025

1.The Union of India,
Represented by the Secretary of Government,
Department of Posts,
Ministry of Communications,
New Delhi – 110 001.

2.The Chief Post Master General,
Tamil Nadu Circle,
Chennai – 600 002.

3.The Post Master General,
Western Region,
Coimbatore – 641 002.

... Petitioners

Vs

K.Chinnadurai

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the records relating to
the impugned order passed by the Central Administrative Tribunal, Chennai



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Bench in O.A.No.507 of 2020 dated 22.03.2024 and quash the same and pass further orders.

For Petitioners : Mr.A.R.L.Sundaresan
Additional Solicitor General of India
Assisted by Mr.C.Samivel

For Respondent: Mr.P.R.Sathyanarayanan

ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

This writ petition has been filed by petitioners challenging the order of the Tribunal passed in O.A.No.507 of 2020 dated 22.03.2024.

2. Heard Mr.A.R.L.Sundaresan, learned Additional Solicitor General of India assisted by Mr.C.Samivel, learned counsel for the petitioners and Mr.P.R.Sathyanarayanan, learned counsel appearing on the respondent.

3. Mr.A.R.L.Sundaresan, learned Additional Solicitor General appearing on behalf of the petitioner would submit that the respondent was working as a Post Master in a higher selection Grade-I and was promoted to the Group D cadre on regular basis and was allotted to the West Bengal



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circle. However, due to the shortage of officers of Group-B cadre in the Tamil Nadu Circle, a request was made by the second petitioner to the first petitioner for reallocation of all Officers who were allotted to the West Bengal circle including the respondent. Again a request was made atleast to reallocate 5 of the Officers including the respondent. In order to manage the vacant post in Group-B cadre, ad-hoc promotions to Group-B cadre was issued including the respondent. He would submit that at no point of time, the respondent had sought to be relieved, but however on 10.04.1996, the respondent made a representation for his reallocation to the Tamil Nadu Circle on promotion or regular basis, citing his family circumstances. As a result of which his several other junior Officers had joined the promotional post in Group-B cadre. He was also promoted to Group-A in the year 2004 on ad-hoc basis and he had superannuated on 31.12.2005.

4. He would further submit that on implementation of 5th Pay Commission, the pay scales were revised and the pay scale of his junior A.V.George, who joined the promotional cadre before 01.01.1996 was fixed at Rs.8,250/-, whereas the pay of the respondent was fixed at Rs.7,750/- as he had not joined the promoted cadre and had joined the promotional post



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only on 30.01.1996. Thereafter, the respondent by a communication dated 15.10.2004 and 09.5.2007 had requested for notional promotion in the Group-B cadre on par with his junior and the same came to be rejected. Even after the same, the respondent had been making continuous representations and finally they were all disposed of by the second petitioner on 27.08.2017. The respondent moved the Central Administrative Tribunal challenging the order of rejection in the year 2018 and the same came to be disposed with a direction to pass a speaking order. Pursuant to the directions issued by the Central Administrative Tribunal, by a detailed speaking order, the first petitioner had rejected the claim of the respondent. Challenging the same, the respondent had again approached the Tribunal in O.A.No.507 of 2020 wherein after setting aside the order, directions were issued to grant the respondent notional promotion in Group-B cadre from the date on which his junior was promoted together with all other consequential benefits.

5. The Learned Additional Solicitor General would vehemently contend that it was the respondent who had not joined the promoted post and it is he who is at fault. The junior who was promoted had joined the promoted post prior to 01.01.1996 and had the benefit of the 5th Pay



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Commission. The respondent was also granted the benefit of 5th Pay

Commission but not in the promoted post but the post which he was holding.

He would further submit that the respondent was only benefitted with an ad-hoc promotion which would not entitle him for the payscale of a Group-B cadre Officer.

6. He would further draw attention of this Court to the representation made by the respondent to retain him in the same region and therefore, he would submit that he would not be entitled for notional promotion as directed by the Tribunal. He would further submit that after having served in the promoted post, on the verge of retirement, the respondent had made a representation and on his superannuation, he was also given the terminal benefits based upon his last pay drawn.

7. He would further submit that the claim of the respondent was initially rejected as early as in the year 2007 and the same has also been admitted by the respondent, but however he had been repeatedly sending representations and that the same was also rejected on 22.07.2017. He would submit that the respondent had not challenged the earlier order of rejection



but had innocuously challenged the second order passed after 10 years and the Tribunal had directed the petitioners to consider the issue. The petitioners had considered the issue and rejected the claim. Therefore, he would submit that the respondent would not be entitled for any relief as the claimed for, as the claim is hit by delay and laches apart from the principles of acquiescence. In that context, having relied upon a judgment of the Hon'ble Apex Court reported in **2008 (8) SCC 648** where, it is held that when a claim involved issues relating to seniority or promotion, etc, affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Hence, he prays to set aside the tribunal order.

8. Countering the arguments of the learned Additional Solicitor General, appearing for the petitioners, the learned counsel for the respondent submitted that the respondent was promoted to the Postal Service Group 'B' cadre by Memo No.9-29/95-SPG dated 03.11.1995, while he was serving as Head Postmaster (HSG-I), and was allotted to the West Bengal Circle. Pursuant to the said promotion, a posting order dated 21.11.1995 was issued directing him to join as Assistant Director of Postal Services at Calcutta. It



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was further submitted that the respondent was ready and willing to assume charge in the promoted post; however, he was not relieved by his parental office as certain other promoted officers were also awaiting relief at the same time. In this regard, the second petitioner, *suo motu*, addressed a demi-official letter dated 13.11.1995 to the first petitioner requesting re-allotment of officers who had been promoted and allotted to other Circles, including the respondent. The second petitioner also communicated with the concerned authorities to retain such officers and forwarded the correspondence to the Chief Postmaster General, West Bengal Circle, by letter dated 11.12.1995.

9. The learned counsel further submitted that subsequently, on 26.12.1995, the second petitioner issued transfer and posting orders in respect of certain officers junior to the respondent, who had similarly been promoted and initially allotted to the West Bengal Circle but retained in Tamil Nadu. However, no such posting order was issued in favour of the respondent at that point of time. Thereafter, the respondent was posted as Superintendent of Post Offices, Nilgiri Division, by order dated 26.01.1996 and joined duty on 30.01.1996. The said posting was ratified by the third



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petitioner vide Memo dated 20.02.1996, based on the orders of the second petitioner dated 25.01.1996. It was contended that due to the delay in relieving and consequential posting, the respondent was deprived of proper pay fixation in the Group 'B' cadre under the 5th Central Pay Commission scales as on 30.01.1996. While the junior of the respondent had his basic pay fixed at Rs.8,250/-, the respondent's pay was initially fixed at Rs.7,500/- and subsequently re-fixed at Rs.7,750/-. The respondent submitted representations dated 15.10.2004 and 09.05.2007 seeking notional promotion and pay fixation on par with his juniors; however, the same were rejected by the second petitioner by a non-speaking order dated 27.08.2007.

10. It was further submitted that, in the absence of any effective response, the respondent sought information under the Right to Information Act and thereafter filed O.A. No.1732 of 2018 before the Tribunal seeking a direction to consider his representation dated 04.04.2018. The said Original Application was disposed of on 02.01.2019 directing the authorities to consider and pass appropriate orders. However, the first petitioner rejected the respondent's claim by order dated 26.11.2019, which led to the filing of



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O.A. No.507 of 2020. The Tribunal, by order dated 22.03.2024, allowed the said Original Application on merits.

11. The learned counsel emphasized that the retention of the respondent in the Tamil Nadu Circle was a conscious administrative decision taken by the second petitioner and that the respondent had no role in the same. It was submitted that the respondent neither declined the promotion nor sought deferment of his transfer at any point of time. On the contrary, he was compelled to abide by the orders of his superior authorities, which cannot be construed as a decline of promotion. It was further contended that the respondent suffered financial loss with cascading effects throughout his service career, without any fault on his part. The delay in relieving him and the consequential deprivation of proper pay fixation were entirely attributable to the administrative decisions of the petitioners. In such circumstances, the learned counsel submitted that the Tribunal had rightly appreciated the facts and granted relief, and therefore, the writ petition deserves to be dismissed.



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12. We have considered the rival submissions of the learned counsel for the respective parties and perused the materials available on record.

13. Before adverting to the rival submissions, it is necessary to examine whether the respondent is entitled to claim notional promotion in the Group 'B' cadre with retrospective effect and consequential monetary benefits as directed by the Tribunal.

14. It is not in dispute that the respondent was promoted to the Postal Service Group 'B' cadre and was allotted to the West Bengal Circle pursuant to the promotion order dated 03.11.1995. The records reveal that a posting order was issued directing him to assume charge in the promoted post. However, the respondent did not join the promotional post at the relevant point of time. Instead, he had made representations seeking retention in the Tamil Nadu Circle citing personal and family circumstances. The materials placed on record would clearly indicate that the respondent had consciously chosen to remain in the Tamil Nadu Circle rather than joining the promotional post in the West Bengal Circle.



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15. It is also pertinent to note that the junior officer of the respondent had joined the promoted post prior to 01.01.1996 and thereby became entitled to the revised pay scale under the 5th Central Pay Commission. The respondent, on the other hand, had joined the promotional cadre only on 30.01.1996. Therefore, the difference in pay fixation arose purely on account of the respondent not joining the promoted post at the relevant time. In such circumstances, the respondent cannot claim parity with his junior who had actually assumed charge in the promoted post earlier.

16. The contention of the respondent that the delay occurred due to administrative reasons cannot be accepted in the absence of any material establishing that he was prevented by the authorities from joining the promotional post. On the contrary, the records reveal that the respondent himself sought retention in the Tamil Nadu Circle. Having elected to remain in the same Circle, the respondent cannot subsequently claim notional promotion from an earlier date so as to secure financial benefits which were



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otherwise available only to those who had actually assumed charge in the promoted post.

17. Another significant aspect which cannot be ignored is the enormous delay in raising the claim. The respondent had admittedly made representations as early as in the year 2004 and 2007 seeking notional promotion, which came to be rejected. However, the respondent did not challenge the said rejection at the relevant point of time and allowed the matter to rest. The present proceedings were initiated only after a considerable lapse of time i.e., long after the respondent had superannuated from service. It is well settled law that stale claims relating to service matters, particularly those involving issues of promotion and seniority, cannot be entertained after an inordinate delay. The doctrine of delay and laches squarely applies in such cases.

18. The Hon'ble Supreme Court in several decisions, including the judgment reported in **(2008) 8 SCC 648**, has held that when claims relating to promotion or seniority are raised after a long delay, particularly when



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such claims would disturb settled positions, the same ought not to be entertained by Courts or Tribunals.

19. In the present case, the Tribunal appears to have proceeded on the premise that the respondent was not at fault and that the delay occurred due to administrative reasons. However, the materials on record do not support such a conclusion. The Tribunal has also failed to properly consider the issue of delay and the respondent's own conduct in not joining the promoted post at the relevant time.

20. In view of the above circumstances, this Court is of the considered opinion that the respondent is not entitled to claim notional promotion with retrospective effect or the consequential monetary benefits as directed by the Tribunal. The order passed by the Tribunal therefore suffers from legal infirmity and is liable to be interfered with.



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21. Accordingly, the writ petition is allowed and the order dated 22.03.2024 passed by the Central Administrative Tribunal in O.A.No.507 of 2020 is set aside. Consequently, the connected miscellaneous petition is closed. No costs.

(C.V.K.,J.) (K.B., J.)
13.03.2026

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU.,J.

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A Pre-delivery judgment made in
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13.03.2026