IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 30.01.2026	PRONOUNCED ON 13.02.2026

CORAM

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

Writ Petition No.38433 of 2024

and W.M.P.No.41628 of 2024

K M Ravichandran, IRS
Principal Commissioner,
Customs (Preventive) Commissionerate,
Tiruchirapalli ... Petitioner

Vs

1.Union of India
Rep., by The Secretary,
Department of Revenue,
Ministry of Finance, North Block,
New Delhi – 110 001.

2.The Chairman,
Department Promotion Committee (DPC)
Union Public Service Commissioner,
Dholpur House, Shajahan Road,
New Delhi – 110 069.

3.The Chairman,
Central Board of Indirect Taxes & Customs (CBIC),
Department of Revenue,
Ministry of Finance,
New Delhi. ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of Tribunal in connection with the order passed by the Hon'ble Central Administrative Tribunal, Chennai Bench in OA.No.310/153/2024, dated 04.11.2024 and quash the same and further direct R2/DPC to conduct a Review DPC in place of the DPC held in July 2019 vide its proceedings dated 17.07.2019 to reconsider the fitness of the petitioner for his promotion as Commissioner of Central Excise and Customs for the panel year 2013-14, by taking into account the No Report Certificate (NRC) issued in 2014 in respect of ACR for the year 2008-09 and ignoring the original ACR for the same period that surfaced after recording of the NRC and pass such further orders.

For Petitioner : Mr.J.Srinivasa Mohan for
M/s.TVJ Associates

For R1 & R3 : Mr.ARL.Sundaresan ASGI
Assisted by
Mr.S.Gurumoorthy SPC

For R2 : Mr.V.Chandrasekaran SPC

ORDER

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

This writ petition has been filed challenging the order dated 04.11.2024 passed by the Central Administrative Tribunal, whereby the Tribunal confirmed the decision of the Departmental Promotion Committee (DPC) held in July 2019, and seeking to quash the same with a consequential direction to restore the petitioner's name in the panel for regular promotion for the panel year 2013–14.

2) Heard Mr. J. Srinivasa Mohan, learned counsel appearing on behalf of *M/s. TVJ Associates* for the petitioner; Mr. A.R.L. Sundaresan, learned Additional Solicitor General of India, assisted by Mr. S. Gurumoorthy, learned Special Government Pleader appearing for respondents 1 and 3; and Mr. V. Chandrasekaran, learned Special Government Pleader appearing for the second respondent.

3) The learned counsel for the petitioner submitted that the petitioner belongs to the IRS (Indian Revenue Services) 1992 batch of Customs and Central Excise and has rendered an unblemished service record, earning timely promotions throughout his career. At the relevant point of time, the

petitioner was holding the post of Joint Commissioner of Customs and Central Excise, which is the feeder cadre for promotion to the post of Commissioner of Customs and Central Excise, and he fulfilled all the eligibility conditions prescribed under the applicable Recruitment Rules. It was submitted that the Departmental Promotion Committee meeting held on 29.01.2014 for the panel year 2013–14 recommended the petitioner's name, placing him at Serial No.17 in the selection list. Based on the said recommendation, the petitioner was promoted on a provisional and ad-hoc basis as Commissioner vide Office Order No.01/2015 dated 06.01.2015. However, subsequently, by Office Order No.153/2019 dated 08.11.2019, the petitioner's name was excluded from the regular promotion panels for the years 2013–14 and 2014–15, though included for the panel year 2015–16, while several juniors to the petitioner were granted regular promotion for the earlier panel years. According to the petitioner, the exclusion was solely based on the decision of the DPC held on 17.07.2019, wherein he was declared "UNFIT" for promotion. It was contended that such a decision was arbitrary, unjustified, and contrary to established norms. He also relied upon a judgment of Hon'ble ***Punjab and Haryana High Court in Roshan Sharma Vs Union of India & Ors. reported in CWP-24836 of 2025 (O&M)***

and contended that the controlling authority before recording adverse remarks, should give prior written opportunity when career prospects are in jeopardy, failing which is inconsistent with law and further contended that allowing juniors to overtake him in rank amounts to hostile discrimination.

4) The learned counsel further submitted that the petitioner initially challenged the Office Order dated 08.11.2019 by filing O.A.No.99 of 2020, which came to be dismissed. Thereafter, W.P.No.1521 of 2024 was filed and dismissed as withdrawn with liberty to challenge the DPC recommendations dated 17.07.2019. Pursuant thereto, the petitioner filed O.A.No.153 of 2024, which was dismissed by the Tribunal on 04.11.2024, giving rise to the present writ petition. It was contended that the revocation of the earlier No Record Certificate (NRC) was illegal and contrary to the circulars issued by the Ministry of Finance, Department of Revenue. According to the learned counsel, once an NRC is issued, no ACR/APAR for the relevant period can subsequently be taken into account, nor can the NRC be revoked. It was further submitted that the petitioner had secured “Outstanding” grading for three years and “Very Good” for one year during the relevant assessment period, on the basis of which his name was rightly included in the DPC

proceedings dated 29.01.2014.

5) The learned counsel argued that the subsequent declaration of the petitioner as “UNFIT” in the DPC meeting dated 17.07.2019, without any material change in circumstances, is wholly arbitrary and unsustainable. It was further pointed out that the petitioner’s representation dated 09.11.2009 against the ACR for the year 2008–09 was rejected only on 03.05.2016, demonstrating that the petitioner’s ACRs and relevant records were not properly considered at the appropriate time. While so, denying promotion to the petitioner for the panel years 2013–14 and 2014–15, while granting the same to his juniors, was stated to be discriminatory and unjust. On these grounds, the learned counsel prayed for quashing of the DPC minutes dated 17.07.2019 and for a consequential direction to restore the petitioner’s name in the promotion panel for the year 2013–14, with all attendant benefits.

6) Per contra, the learned Additional Solicitor General for the respondents submitted that the petitioner is presently working as Principal Commissioner of Customs and Indirect Taxes, which itself demonstrates that his career progression has not been adversely affected. It was submitted that

the petitioner was promoted as Commissioner of Customs and Central Excise on an ad-hoc basis for the vacancy year 2013–14, along with other eligible officers. At the time of such ad-hoc promotion, one of the petitioner's reckonable ACR/APARs for the period 2008–09 was not available. Despite repeated efforts, the said ACR could not be traced, and therefore, an NRC for the period 01.04.2008 to 31.03.2009 was issued by the Board on 21.01.2014. In view of the non-availability of the ACR/APAR for 2008–09, the petitioner's ACR for the earlier year 2006–07 was taken into consideration, on the basis of which he was assessed as "FIT" and promoted on an ad-hoc basis, subject to the express condition that such officers would not claim any right to regular promotion.

7) The learned Additional Solicitor General further submitted that as per DoP&T O.M.No.35034/7/97-Estt(D) dated 08.02.2002, the benchmark prescribed for promotion to the grade of Commissioner is "Very Good". Subsequently, the ACR for the period 2008–09, written on 28.05.2009, was traced, wherein the petitioner was graded "Good" by both the Reporting Officer and the Reviewing Officer. The petitioner's representation dated 09.11.2009 against the said grading was duly considered by the Referral

Board and rejected on 03.05.2016, thereby affirming the grading. It was contended that once the ACR for 2008–09 was traced and placed on record, the earlier NRC automatically ceased to operate, and the department was duty-bound to place the complete record before the DPC. Had the ACR been available earlier, the petitioner would not have been granted even ad-hoc promotion.

8) Accordingly to him, the petitioner was assessed as UNFIT for the panel years 2013–14 and 2014–15, as his grading fell below the prescribed benchmark, though he was found FIT for the panel year 2015–16. The learned Additional Solicitor General pointed out that the petitioner's earlier challenge in O.A.No.99 of 2020 was dismissed by the Tribunal on 28.11.2023, relying on settled principles that courts and tribunals should not ordinarily interfere with the assessment of suitability made by a DPC. The subsequent proceedings initiated by the petitioner were also dismissed, culminating in the impugned order dated 04.11.2024.

9) It was further submitted that the petitioner is attempting to mischaracterize the DPC held on 29.01.2014 as an "original DPC" and the

DPC held on 17.07.2019 as a "review DPC", whereas both were independent DPCs held under different factual circumstances. The promotion of the petitioner's juniors was justified as they fulfilled the prescribed eligibility criteria, and the petitioner's case cannot be equated with theirs. In conclusion, it was submitted that the DPCs were conducted strictly in accordance with the extant rules and guidelines & the Tribunal has rightly upheld the departmental action, and therefore, the writ petition is devoid of merits and liable to be dismissed.

10) We have considered the rival submissions and perused the materials placed on record.

11) It is undisputed that the benchmark prescribed for promotion to the post of Commissioner of Customs and Central Excise is "Very Good". While the petitioner was initially considered and granted ad-hoc promotion for the panel year 2013–14 owing to the non-availability of his ACR for the year 2008–09 and the consequent issuance of an NRC, such ad-hoc promotion was expressly made subject to the condition that it would not confer any right to regular promotion.

12) The record further reveals that the ACR for the year 2008–09, once traced, contained the grading of “Good”, which is below the prescribed benchmark. The petitioner was fully aware of this grading and had, in fact, submitted a representation dated 09.11.2009 challenging the same, which was ultimately rejected by the competent authority on 03.05.2016. Despite such knowledge, the petitioner benefited from the temporary non-availability of the ACR at the relevant time and secured ad-hoc promotion. Having knowledge of grading as 'Good' for the year 2008-09, the petitioner could have intimated the same when it was not found, but benefited with the NRC for the adhoc promotion in 2014-15. Hence, the petitioner cannot now be permitted to contend that the department acted illegally in placing the subsequently traced ACR before the DPC and reassessing his suitability in accordance with the applicable rules. It is further to be noted that the DPC in the year 2014 was only to grant ad-hoc promotion and not a regular promotion. Only in the year 2019, DPC was convened for regular promotion at which time the ACR for 2008-09 was available.

13) Once the ACR for the year 2008–09 was available on record, the

earlier NRC ceased to have any operative effect, and it was incumbent upon the department to consider the complete service record of the petitioner. The DPC, upon such consideration, rightly assessed the petitioner as unfit for the panel years 2013–14 and 2014–15, while finding him fit for the panel year 2015–16. This Court finds that the assessment made by the DPC is in strict conformity with the prescribed guidelines and does not suffer from arbitrariness, mala fides, or procedural impropriety.

14) It is well settled that the evaluation of merit and suitability by a duly constituted Departmental Promotion Committee lies within its exclusive domain and is not amenable to judicial interference unless shown to be vitiated by illegality or perversity. No such infirmity has been demonstrated in the present case. The plea of discrimination on the ground that juniors were promoted is also untenable, as promotion depends upon individual eligibility and fulfillment of the benchmark criteria. Accordingly, this Court is of the considered view that the Tribunal has rightly upheld the departmental action, and the writ petition is devoid of merit.

15) In the result, the above writ petition is dismissed and consequently

connected miscellaneous petition is closed. There shall be no order as to costs.

(C.V.K.,J.) **(K.B., J.)**
13.02.2026

Index: Yes
Speaking Order
Neutral Citation:Yes
Pbn

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Pre-Delivery Order in
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