2026:AHC:209191-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 13749 of 2026

Union of India and 4 others

.....Petitioner(s)

Versus

Central Administrative Tribunal and 4 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sabhajeet Singh
Counsel for Respondent(s)	:	Ashish Kumar Srivastava, Sunil

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard learned brief holder of Shri Sabhajeet Singh, Advocate for the petitioners and Shri Ashish Kumar Srivastava, learned counsel for the respondents no. 2 and 3.

2. This writ petition has been filed challenging the order dated 18.02.2026, whereby the Central Administrative Tribunal, Allahabad Bench, Allahabad ('the Tribunal') has partly allowed Original Application ('O.A.') No. 1403 of 2011 filed by respondents no. 2 and 3 ('the respondents'), setting aside the order dated 18.01.2010 impugned therein. Further directions have been issued by the Tribunal which shall be indicated herein-later.

3. Facts of the case, in brief, are that the respondents were working as Gramin Dak Sewak (‘GDS’) with the petitioners. In GDS Rules, certain quotas have been described for promotion, as per which, for recruitment against the vacancies in the cadre of Postman, 50% quota is fixed for promotion for the departmental Group 'D' persons and remaining 50% of the vacancies are for outsider quota that are to be filled up from the ED Agents (later on named as 'GDS'). The outsider quota is further sub-divided into two halves, wherein 50% of the vacancies are filled up from ED Agents (GDS) falling within the age limit and based upon a particular length of regular service on the basis of merit in examination. Remaining 50% of the vacancies are filled up only the basis of length of service in GDS cadre.

4. Two orders were challenged by the respondents by filing the O.A., one dated 04.11.2009, whereby, in Shahjahanpur Division, four persons were declared as promoted on seniority basis and the second order was dated 18.01.2010, whereby the petitioners had informed the respondents that the candidates belonging to general category and seeking promotion should not be beyond 50 years of age as on 1st of July of the year in which process of recruitment is undertaken.

5. The grievance raised before the Tribunal was that the petitioners, inspite of availability of vacancies, deliberately did not convene Departmental Promotion Committee meeting ('DPC') allegedly for want of approval by the higher authorities. The respondents pleaded their seniority in the departmental quota and came up with a case that had the DPC been convened at appropriate time in accordance with law, they would have been promoted.

6. The petitioners contested the O.A. taking stand that after, obtaining requisite approval from the competent level, vacancies in Postman cadre in Shahjahanpur Division were notified for departmental promotion and direct recruitment for the years 2006, 2007, 2008 and 2009 and since the vacancies were cleared by the Screening Committee only in the year 2009 and not prior thereto, eligibility of the candidates was considered in the year of examination and not in the year of occurrence of vacancy. Further defence was that both the respondents had crossed the age of 50 years in the year 2009 and, thus, became over age, due to which they were debarred from being considered for promotion in the year 2009.

7. The Tribunal, after hearing the parties, partly allowed the O.A. setting aside the order dated 18.01.2010 and issued following directions:-

> "11. Accordingly, the impugned order dated 18.01.2010 is hereby set aside and the respondents are directed to convene a review DPC and consider the applicants for promotion as per their fulfilment of the eligibility

> criteria in the years for which the vacancy has been notified for the Direct Quota vide the notification dated 18.09.2009, taking into account their seniority position and age in the respective vacancy years for the sake of eligibility, and if the applicants are found suitable for promotion as a consequence thereof subject to other applicable terms, since they have retired from service, they should be granted notional promotion effective from the dates when promotion fell due to them respectively and consequential pensionary benefits accruing therefrom should be granted to the applicants. The aforesaid exercise should be completed within a period of four months from the date of receipt of a certified copy of this order.
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> 12. Thus, the O.A. stands partly allowed with above directions. All associated M.A.s also stand disposed of. No costs."

8. Learned counsel for the petitioners has made submissions that denial of the claim of the respondents at the departmental level was perfectly justified, inasmuch as, they had crossed the age of 50 years in 2009 when the DPC was convened and, thus, no error was committed by the petitioners in communicating the correct position of fact and law to the respondents and granting promotion to other eligible candidates. Further submission has been made that, admittedly, the respondents having retired from service, direction of the Tribunal to consider their claim for promotion by convening a review DPC is wholly uncalled for as no promotion can be accorded to retired employees.

9. Per contra, learned counsel for the respondents has made submissions that once the petitioners themselves did not convene DPC meeting for three years, i.e. in the years 2006, 2007 and 2008 when the respondents fulfilled the age and other eligibility criteria, the petitioners cannot take advantage of their own lapses and inaction and, therefore, the Tribunal has rightly granted reliefs after taking into consideration the fact that the respondents have already retired. In support of his submissions that administrative lapses on the part of the department in holding DPC would not make the eligible candidates as ineligible, reliance has been placed on **Union of India and another Vs. Hemraj Singh Chauhan and others: (2010) 4 SCC 290** and **P.N. Premachandran Vs. State of Kerala and others: (2004) 1 SCC 245**.

10. It has further been argued that one post for each year, i.e. 2006, 2007, 2008 and 2009 under seniority quota for Shahjahanpur division was notified in 2009 only and, therefore, initiation of process of selection in 2009 would not be a circumstance against the respondents as the record reflects that four vacancies that were notified in 2009 pertained to years 2006, 2007, 2008 and 2009 (one for each year) and not pertaining only to year 2009.

11. We have considered the submissions made and have perused the material available on record.

12. There is no dispute about the fact that four vacancies for Shahjahanpur Division under seniority quota pertained to 2006, 2007, 2008 and 2009 (one for each year) and the fact the DPC was not convened in 2006, 2007 and 2008 when the respondents fulfilled age criteria but was held in 2009, by which time the respondents had become over age, would not defeat the cause agitated by them as per the judgments of Hon'ble Supreme Court in the cases of **Hemraj Singh Chauhan (supra)** and **P.N. Premachandran (supra)**.

13. As far as the plea raised on behalf of the petitioners that since the respondents have retired, no direction for holding review DPC could be issued by the Tribunal, the Court reiterates that two orders were under challenge before the Tribunal as already indicated herein-before. The O.A. was promptly filed in the year 2011, wherein, apart from challenging the orders, prayer made was to issue a direction to the petitioners to promote the respondents on the post of Postman against the vacancies of the year 2007 and 2008. Unfortunately, disposal of O.A. consumed 11 years during which time the respondents retired for which respondents cannot be blamed.

14. The Tribunal, in the facts of the case, has rightly not granted the relief for actually promoting the respondents as such relief cannot be granted after the respondents retired and the Tribunal has consciously issued operative directions as already reproduced herein-above, effect whereof is that

pursuant to review DPC, if the respondents are found suitable for promotion, they would be granted ‘notional promotion’ effective from the date when the promotion fell due to them and would only get consequential pensionary benefits accruing therefrom.

15. The directions issued by the Tribunal would also not prejudice the service status of those who were promoted in 2009 or monetary and other service benefits admissible to them and whereas two such persons, namely, Awadhesh Kumar and Rajesh, who were promoted in 2009, were also impleaded as respondents in the O.A., they did not appear to contest the proceedings despite service of notice; nevertheless the Tribunal’s order is non-prejudicial to their interest.

16. In view of the above discussion, this Court is of the considered opinion that the order/communication impugned before the Tribunal indicating that the candidates seeking promotion and belonging to general category should not be over 50 years on 1st of July of the year of examination, thereby denying respondents’ claim for promotion on that ground in peculiar facts of the case, does not appear to be just and proper.

17. Consequently, this Court does not find any error in the order passed by the Tribunal, which is in consonance with the record position.

18. The writ petition has no substance; the same is, therefore, **dismissed**.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

October 6, 2026
AKShukla/-

Digitally signed by :-
ANIL KUMAR SHUKLA
High Court of Judicature at Allahabad