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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 20.03.2026

\+ W.P.(C) 3629/2026, CM APPL. 17589/2026 & CM APPL. 17590/2026

SHRI MANIK MANDAL .....Petitioner

Through: Mr. A.K. Srivastava, Adv.

versus

UNION OF INDIA .....Respondent

Through: Ms. Pragya Priya (SPC), Mr. Anmol Sharma (GP), Ms. Shruti, Manavi Tyagi, Advs.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (ORAL)

ANIL KSHETARPAL, J.:

1. Through the present Petition, the Petitioner seeks issuance of a writ in the nature of *Certiorari* by assailing the orders dated 18.12.2025 and 11.03.2026 [hereinafter referred to as 'Impugned Orders'] passed by the Central Administrative Tribunal [hereinafter referred to as 'the Tribunal']. *Vide* Impugned Order dated 18.12.2025, the Original Application being O.A. No.1522/2024 preferred by the Petitioner came to be dismissed. Subsequently, the Review Application being R.A. No.22/2026, also preferred by the Petitioner, was dismissed in circulation *vide* Impugned Order dated 11.03.2026.

2. The Petitioner superannuated from service on 30.06.2018. It is an admitted position that the Promotion Order to the post of Director, pursuant to a Review Departmental Promotion Committee ('DPC'),

came to be issued subsequently on 27.09.2018. Aggrieved by the denial of promotion, the Petitioner approached the Tribunal in the year 2024 seeking grant of notional benefits, contending that despite having been recommended by the DPC, he stood unjustly deprived of promotion.

3. In order to appreciate the controversy in its proper perspective, it would be apposite to briefly notice the relevant facts giving rise to the present Petition.

4. At the relevant time, the Petitioner was serving as a Deputy Secretary. In the year 2016, a process was initiated for promotion to the post of Director(s), and information regarding vigilance status was sought from various Departments. A DPC convened on 26.10.2017 found the Petitioner, along with other Deputy Secretaries of the 2012 Select List, not eligible for promotion. A subsequent DPC held on 23.02.2018 reiterated the said position.

5. Thereafter, certain aggrieved persons approached the Tribunal by filing O.A. No.3020/2018, pursuant to which notice came to be issued. Consequent thereto, a Review DPC was convened on 18.09.2018, wherein the Petitioner was found fit and recommended for promotion to the post of Director. In the interregnum, the Select List for the year 2017 was published on 27.09.2018, wherein the name of the Petitioner stood included, with consequential benefits stipulated to take effect from 01.07.2017. However, the Petitioner was denied promotion on the ground that he had already demitted office upon attaining the age of superannuation.

6. The Petitioner thereafter instituted O.A. No.1522/2024 before the Tribunal on 26.03.2024. The Tribunal, placing reliance upon the judgment of the Supreme Court in ***Government of West Bengal & Ors. v. Dr. Amal Satpathi & Ors.***[1], held that notional promotion cannot be granted after retirement, and accordingly dismissed the said O.A. The said order, as well as the order passed in Review, are assailed in the present Petition.

7. Learned counsel appearing for the Petitioner has been heard at length.

8. Learned counsel representing the Petitioner contends that there was an inordinate delay in convening the DPC, which has resulted in the Petitioner being unlawfully deprived of his rightful promotion. Placing reliance upon the judgment of the Division Bench of this Court in W.P.(C) 17026/2022 captioned ***Union of India & Ors. v. Smt. Baljit Kaur***, as well as the judgment of the Supreme Court in ***Dharmendra Kumar Singh & Ors. v. The Hon'ble High Court of Jharkhand & Ors.***[2], it is urged that the Petitioner is entitled to be granted promotion with effect from 01.07.2017, along with all consequential notional benefits.

9. This Court has given its thoughtful consideration to the submissions advanced on behalf of the Petitioner.

10. A perusal of the Impugned Order reveals that the Tribunal has placed reliance upon the judgment of the Supreme Court in ***Dr. Amal***

[1] 2024 INSC 906
[2] 2025 INSC 72

Satpathi *(supra).* This Court has also carefully examined the said decision. The Supreme Court has unequivocally held that the promotion becomes effective from the date it is granted rather than from the date the vacancy arises or the post is created. The relevant observations of the Supreme Court are reproduced hereinbelow:

> *"21. While we recognize respondent No.1's right to be considered for promotion, which is a fundamental right under Articles 14 and 16(1) of the Constitution of India, he does not hold an absolute right to the promotion itself. The legal precedents discussed above establish that promotion only becomes effective upon the assumption of duties on the promotional post and not on the date of occurrence of the vacancy or the date of recommendation. Considering that respondent No. 1 superannuated before his promotion was effectuated, he is not entitled to retrospective financial benefits associated to the promotional post of Chief Scientific Officer, as he did not serve in that capacity."*

11. In the facts of the present case, it is not in dispute that the promotion order was issued on 27.09.2018 and was to operate prospectively. The Petitioner, having superannuated on 30.06.2018, had already demitted office prior to the issuance of the said order. Consequently, the question of the Petitioner assuming charge of the post of Director does not arise. It is also not the case that the promotion order was granted retrospective effect from the year 2017.

12. Further, the reliance placed on ***Smt. Baljit Kaur*** *(supra)* does not advance the case of the Petitioner. The said judgment proceeds in the peculiar facts of that case and in the light of the law laid down by the Supreme Court. In any event, in the face of a direct pronouncement by the Supreme Court in ***Dr. Amal Satpathi*** *(supra)*, the same would prevail.

13. Similarly, the decision in ***Dharmendra Kumar Singh*** *(supra)* is clearly distinguishable. In that case, the Supreme Court was dealing

with a situation where the employees had been wrongly denied promotion, while their juniors were promoted on the ground that the juniors had obtained more marks. It is in those circumstances that the Supreme Court directed that the employees shall be entitled to notional promotion from the date other officers were promoted to the post of District Judge.

14. In the present case, however, all promotions to the post of Director were effected on 27.09.2018, by which time the Petitioner had already retired from service. Thus, the factual foundation necessary for grant of notional promotion, as was present in ***Dharmendra Kumar Singh*** *(supra)*, is conspicuously absent herein.

15. In view of the aforesaid discussion, this Court finds no infirmity in the Impugned Orders warranting interference in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

16. The present Petition is accordingly dismissed. All the pending applications also stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MARCH 20, 2026
jai/shah