



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 1365 OF 2025 (S-CAT)

BETWEEN:

SRI K.S.POORNACHANDRA
S/O LATE SHANKARANARAYANA,
AGED ABOUT 70 YEARS
RESIDING AT NO 509, KALASIPALYA,
DODDABALLAPURA,
BANGALORE RURAL,
KARNATAKA 561203.

...PETITIONER

(BY SRI. AZHAR ALI FAROOQI.,ADVOCATE)

AND:

1. UNION OF INDIA
DEPARTMENT OF POST,
NEW DELHI 110001
REPRESENTED BY ITS SECRETARY.
2. DEPARTMENT OF POSTS,
DAK BHAVAN, SANSAD MARG ROAD,
NEW DELHI 110001
REPRESENTED BY ITS
DIRECTOR GENERAL.

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Location: High
Court of
Karnataka



3. POSTAL ACCOUNTS AND FINANCE
III FLOOR, G.P.O. COMPLEX,
RAJ BHAVAN ROAD,
BANGALORE 560001
REPRESENTED BY ITS
GENERAL MANAGER.

...RESPONDENTS

(BY SRI. UNNIKRISHNAN M., CGC FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO a) ISSUE A WRIT OF MANDAMUS QUASHING THE ORDER DATED 13/10/2023 GIVEN BY THE CENTRAL ADMINISTRATIVE TRIBUNAL IN OA NO.170/56/2021 AND ALLOW THE PETITIONERS PROMOTIONS FROM APRIL 1993 UNDER THE PHYSICALLY HANDICAPPED QUOTA, GRANTING RETROSPECTIVE PROMOTIONS AND ALL ASSOCIATED BENEFITS; b) ALTERNATIVELY, RESTORE OA NO.170/56/2021 WITH LIBERTY TO THE PETITIONER TO IMPLEAD THE NECESSARY PARTIES AND UPHOLD THE PETITIONERS RIGHT TO EQUITABLE CONSIDERATION UNDER THE PHYSICALLY HANDICAPPED QUOTA, GRANTING RETROSPECTIVE PROMOTIONS AND ALL ASSOCIATED BENEFITS.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE B M SHYAM PRASAD)

The petitioner, who was with the *Postal Department* from 09.03.1981 to 31.03.2015, is aggrieved by the order dated 05.10.2023 by the Central Administrative Tribunal [for short, '*the Tribunal*'] in his Application in O.A. No.170/00056/2021. The petitioner has filed his application with the Tribunal for directions to the respondents to treat his promotion as a '*Senior Assistant*' and the subsequent promotions three years prior to the dates he is admitted to such promotions.

2. The Tribunal has rejected the petitioner's application primarily for the following reasons:

"13. Though strong reliance is placed on this judgment by the applicant, party-in-person, to contend that in Group A and B posts also PH category reservations are to be provided and the posts to be identified but failed to



substantiate the same, no material is placed on record to establish that Assistant Accounts Officer posts were identified posts. Even assuming that such posts were identified, as per the contents of the reply statement, which remains unrefuted, four PH category employees were above the applicant. As such, the applicant is not entitled to that benefit. Moreover, the applicant is challenging the promotion order of Shri R. Jagannathan of the year 05.12.2003 sans impleading Shri R. Jagannathan, by filing this OA on 03.12.2020 (re-filed on 12.01.2021). On the ground of non joinder of parties as well as delay and laches also, the application deserves to be rejected. The report of the learned Amicus Curiae also supports the same. The settled issues cannot be unsettled at this length of time. Viewed from any angle, we find no merit in the OA."

Thus, the Tribunal has non-suited the petitioner because the posts to which he seeks promotion were not reserved for persons with *physical handicap* and that even if it could be that these posts were reserved for persons with *physically handicapped*, there were



others ahead of him, and therefore, the petitioner cannot be granted indulgence.

3. Sri Azhar Ali Farooqi, the learned counsel for the petitioner, proposes to canvass against the Tribunal's finding relying upon antecedent proceedings, but the learned counsel cannot point out from the record any circumstance that would justify an opinion against the Tribunal's conclusion as aforesaid. Significantly, Sri Unnikrishnan M, the learned Central Government Counsel for the respondents, submits that the petitioner is first admitted to promotion in the year 2001 and to next promotions later under the '*general*' category and that if the petitioner had to be promoted under the '*physically handicapped*' category, he would have to wait much longer.

4. This Court is of the view that if the petitioner has to succeed, he must make out a locus to seek promotion from the dates prior to the dates



from which he is admitted to promotions and that to establish locus, he must establish all those circumstances which show the right to seek promotion. However, the three overwhelming circumstances are **[a]** that no post was reserved for this category [for the *Physically Handicapped*], **[b]** that there were four others who were *senior* in the same category, and **[c]** that the petitioner has been admitted to promotion in the '*general*' category and if he had to wait it would take much longer as against the petitioner's locus. This Court must also observe that the petitioner has begun his claim for promotion just prior to his retirement in the year 2015. Hence, this Court finds there is no reason for interference. The petition stands dismissed.

**Sd/-
(B M SHYAM PRASAD)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

AN/-