

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2017
Coram

The Hon'ble Mr. Justice S.M. Subramaniam

Writ Petition No. 5302 of 2004

T. Manickam

... Petitioner

Vs.

1. Bharat Heavy Electricals Ltd.,
rep. by its Executive Director,
Thiruverumbur,
Kailasapuram, Tiruchirappalli - 620 014.
 2. The General Manager (HR)
Bharat Heavy Electricals Ltd.,
Thiruverumbur, Kailasapuram,
Tiruchirappalli - 620 014.
- ... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's name for promotion with effect from 25.06.1992 for the post Fitter Grade -II, again for the post of Assistant Photographer Grade-I, from 25.06.1998 and to promote him with all attendant and monetary benefits.

For Petitioner : Mr. R. Babu

For Respondents : No appearance

O R D E R

The petitioner is an employee of Bharat Heavy Electricals Limited (BHEL). He has filed this Writ Petition, seeking for a Mandamus, directing the respondents to consider his name for promotion to the post Fitter Grade -II, and further, to the post of Assistant Photographer Grade-I, in the respondent-Company.

2. The petitioner was facing some issues relating to his community certificate, but the status of the community certificate is not pleaded by the petitioner, in this Writ Petition. However, he has filed this Writ Petition seeking for a direction to grant promotion. It is a settled legal principle that promotion can never be claimed as a matter of right, and consideration for promotion alone is the right of an employee.

Further, consideration for promotion has to be made after verifying the eligibility criteria fixed by the Employer under the Service Rules. Such being the factual position, the prayer sought for by the petitioner, cannot be granted. However, this Court is inclined to grant liberty to the petitioner to submit a detailed representation setting out his grievance before the respondent, who shall consider the same and pass orders. Accordingly, the petitioner is granted four weeks' time from the date of receipt of a copy of this order to submit a representation before the respondent, seeking for promotion. The respondents are at liberty to consider the same as per the relevant Service Rules and pass appropriate orders in accordance with law as expeditiously as possible.

3. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Executive Director,
Bharat Heavy Electricals Ltd.,
Thiruverumbur,
Kailasapuram, Tiruchirappalli - 620 014.
2. The General Manager (HR)
Bharat Heavy Electricals Ltd.,
Thiruverumbur, Kailasapuram,
Tiruchirappalli - 620 014.

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sr (co)
CS/18/05/17