

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27641 of 2017

M.Dhanapakkiam

.. Petitioner

-VS-

1. Tamil Nadu Generation and Distribution Corporation Limited
rep. by its Chairman-cum-Managing Director,
No.14, Anna Salai, Chennai-2.

2. The Chief Engineer-Personnel,
Tamil Nadu Generation and Distribution Corporation Limited,
No.800, Anna Salai, Chennai-2.

3. The Superintending Engineer,
Kadamparai Generation Circle,
Tamil Nadu Electricity Board,
Minparai-642 101.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to effect promotion of the petitioner to the post of Foreman Grade I w.e.f. July 2014 with arrears and all other consequential benefits including pensionary benefits and revision of pension.

For Petitioner :: Ms.S.Meenakshi

For Respondents :: Mr.P.R.Dhilipkumar

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to effect promotion of the petitioner to the post of Foreman Grade I w.e.f. July 2014 with arrears and all other consequential benefits including pensionary benefits and revision of pension.

2. The case of the petitioner is that she joined the service of the 2nd respondent as Sweeper on 25.06.1979 and subsequently promoted in various posts and while she was serving as Senior Maistry, she retired from service on 30.11.2014. The grievance of the petitioner is that while she was in service at the beginning of 2014, nine vacancies of Foreman Grade-I arose on 23.7.2014. But the 2nd respondent failed to initiate any action to fill up the said vacancies. However, the petitioner gave a representation dated 26.11.2014 to the respondents 1 and 3 seeking promotion before she attains the age of superannuation. But, they have not taken note of the said representation. Therefore, the petitioner has come up with the present writ petition seeking a direction to the respondents to consider her pending representation.

3. Mr.P.R.Dhilip Kumar, learned Counsel takes notice for the respondents.

4. This Court is unable to entertain the present writ petition for the

following reasons, namely, firstly, when the petitioner retired from service on 30.11.2014 after giving the so called representation dated 26.11.2014 to the respondents for claiming promotion to the post of Foreman Grade-I, the petitioner has kept quite without knowing its status whether she was eligible or ineligible for the said post. Now 3 years have gone. Secondly, when vacancies said to have arisen on 23.07.2014, the petitioner should have given representation immediately. But, she has given a representation only 3 days before her retirement. Therefore, the writ petition is liable to be dismissed only on the ground of delay in giving the representation.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

30.10.2017

Speaking/Non speaking order

Index : yes/no
tsi

To

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