

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M. DHANDAPANI

W.P.No.28237 of 2004

M.Ranganathan

... Petitioner

Vs.

The Handloom Export Promotion Council,  
No.18, Cathedral Garden Road,  
Nungambakkam,  
Chennai-600 034,  
by its Executive Director

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation dated 11.06.2004 along with his earlier representations for promoting the petitioner to the post of office Superintendent or its equivalent post of Personal Assistant to the Executive Director, Handloom Export Promotion Council from such day on which the petitioner's juniors occupying the same category as the petitioner got promoted.

For Petitioner : No appearance

For Respondents : Mr.M.R.Raghavan

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to consider the representation of the petitioner dated 11.06.2004 along with his earlier representations for promoting the petitioner to the post of office Superintendent or its equivalent post of Personal Assistant to the Executive Director, Handloom Export Promotion Council from such day on which the petitioner's juniors occupying the same category as the petitioner got promoted.

2. When the case was listed on 18.08.2017, there was no representation on behalf of the petitioner and therefore the matter was directed to be posted today. Even today, there is no representation on behalf of the petitioner. However, this Court has decided to pass orders on merits.

4. The case of the petitioner is that the petitioner was appointed as stenographer in the year 1973. After some period, the petitioner made a representation to the respondents on 11.06.2004, seeking to promote him to the post of office Superintendent or its equivalent post of Personal Assistant to the Executive Director, Handloom Export Promotion Council. As the same has not evoked any response, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

5. The learned counsel for the respondent would submit that the promotion to the post of Office Superintendent could not be granted on the ground that the petitioner was a stenographer at the relevant point of time and in between there is one another promotion for the post of Assistant and only after the said promotion, the promotion to the post of Superintendent arises. It is also represented that the petitioner was retired from service on 31.08.2006 and all the benefits were settled.

4. It is well settled that without any basic qualification to the post of Superintendent, the promotion cannot be granted from the lower post to the higher post ignoring the next promotion. It is seen that the petitioner also retired from service on 31.08.2006.

5. In view of the same, nothing survives for adjudication in this writ petition. Hence, this Writ Petition is dismissed. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

The Executive Director,  
Handloom Export Promotion Council,  
No.18, Cathedral Garden Road,  
Nungambakkam,  
Chennai-600 034

+1cc to Mr.M.R.Raghavan, Advocate, S.R.No.60726

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PA(CO)  
CA(17.11.2017)