

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No 5527 of 2011

Date :07-06-2017

Between :

S Narendra Reddy S/o Narayana Reddy
R/o 9-4-41/A/B,
Langer House, Hyderabad

Petitioner

And

The A P Dairy Devp Corporation Federation Ltd
Lalapet, Hyderabad
Rep by its Managing Director and another

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner recruited initially on casual basis, later his services were regularized and designated as Dairy Clerk. Petitioner was aspiring for promotion as Lower Division Accountant (LDA). According to petitioner, he was eligible for promotion as early as in the year 2009 but the said promotion was not granted. According to petitioner, he was treated as native of Ranga Reddy district, therefore cannot be considered for promotion in Hyderabad district. Petitioner earlier filed W P No. 7075 of 2009 seeking declaration against non consideration of his case for promotion as LDA on the ground that petitioner belongs to Ranga Reddy District, as illegal. Said Writ Petition was disposed of by order dated 27.4.2009. This Court declared that as petitioner belongs to Head office, his nativity has no relevancy and directed consideration for promotion without treating him as native of Ranga Reddy district. Said orders are implemented and petitioner was granted promotion as LDA. In the present writ petition, petitioner seeks direction to grant him promotion with retrospective effect from February, 2006. Though averments made in the writ petition are vague and he only contended that he was eligible for promotion in 2006 and that his juniors and seniors were promoted in 2006, in the representation submitted by the petitioner and legal notice caused on behalf of the petitioner, petitioner referred to promotion granted to a person by name Mr C Venugopal in February, 2006 and contended that he is entitled for promotion on par with said Venugopal.

2. Adverting to the said contention, in paragraph 8 of the counter affidavit filed on behalf of the respondents, it is stated that Venugopal is not junior to petitioner, therefore, there cannot be any comparison with Venugopal. It is categorically asserted that juniors to petitioner were not promoted to the post of

LDC (LDA). No material is brought on record to show that junior to the petitioner was promoted, ignoring petitioner; that there was a vacancy available in addition to the promotions made; none of the juniors who are granted such promotion are made parties.

3. It is also appropriate to note that in the earlier round of litigation, the stand of the respondents that petitioner does not belong to Hyderabad District and treated as person belonging to Ranga Reddy District only assailed but no claim for retrospective promotion was made. The claim made by the petitioner in the present writ petition relates back to the year 2006. Pleadings are also silent with reference to availability of vacancies and not considering him even though vacancy was available. An employee has right for consideration to promotion but cannot insist as a matter of right to claim promotion. This claim of the petitioner for promotion from the year 2006 is valid only if petitioner satisfies with cogent material that his junior was promoted illegally ignoring him. In the absence of any material, it cannot be said that action of the respondent corporation in denying promotion retrospectively and granting promotion in the year 2010, as amounting to illegal exercise of power. Hence, I see no merit in the writ petition and accordingly the same is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE: 7.6.2017
TVK

P NAVEEN RAO,J

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