

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.5660 OF 2017

Dated:20.02.2017

Between:

T. Venkateshwarloo, S/o. Indramma,
Aged about 60 years, Occ: Retired from
Service, R/o.H.No.7-10-84, Lingambagh
Colony, Gadwal, Jogulamba Gadwal
District

.. Petitioner

And

Principal Secretary, Commercial Tax
Department, Government of Telangana,
Secretariat Bhavan, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.5660 OF 2017****ORDER:**

Heard. With the consent of learned counsel for the parties, the Writ Petition is being disposed of at the stage of admission.

2. The case of the petitioner is while working as Junior Assistant, he was under consideration for promotion as Senior Assistant. Proposals were mooted for consideration of eligible Junior Assistants for promotion as Senior Assistants. The Deputy Commissioner, Commercial Tax Department, Rural Division, Hyderabad, the 3rd respondent, addressed a letter, dated 28.09.2015, to the Deputy Commissioner (CT), Nizamabad/Nalgonda, Saroornagar and the Appellate Deputy Commissioner (CT), Hyderabad, wherein the petitioner was declared as eligible for promotion as Senior Assistant and his name was shown at Serial No.9. However, no promotions were taken up before 30.09.2015 on which date the petitioner retired from service and by proceedings, dated 30.11.2015, promotions were made. The petitioner alleges that if promotions were made before the date of his retirement, he would have secured promotional benefits in the cadre of Senior Assistant, and denial of his promotion before his retirement and granting promotion to his juniors after his retirement, is illegal.

3. As noted above, proposals for promotion were actually mooted on 28.09.2015 and petitioner retired from service on 30.09.2015. It is not his case that there was inordinate delay in processing the proposals for promotion and the delay was

deliberate, only to deprive promotion to the petitioner. It is not in dispute that juniors to the petitioner were promoted on 30.11.2015 i.e., more than two months after his retirement. Therefore, merely because he was recommended for promotion does not automatically accrue a right to him to claim promotion, more so when the process for promotions was initiated just one day prior to his retirement and promotions were actually made after his retirement.

4. Having regard to the fact that the promotions were made in November, 2015 and the petitioner retired from service on 30.09.2015, no purpose would be served in giving a direction for consideration of the claim of the petitioner, after retirement of the petitioner.

5. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:20.02.2017

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