

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.3599 of 2003

ORDER:

The petitioner prays for mandamus declaring the action of Respondents in not promoting the petitioner as AAO/ AEO as illegal, arbitrary, and for a further direction to Respondents to promote the petitioner as AAO/ AEO from the date on which his juniors were considered, with all consequential benefits.

2. Notice to Respondents was ordered on 03.03.2003. The Respondents by design or practice have not responded to the notice by counter-affidavit. On 26.06.2003, while ordering further notice to Respondents, this Court issued the following direction:

“There shall be interim direction to Respondent No.1 to consider the case of the petitioner for promotion to the post of AAO/ AEO in the respondents-Corporation, within a period of four weeks from the date of receipt of a copy of this order.”

3. Counsel for petitioner submits that pursuant to the order dated 26.06.2003, the Respondents, in fact, have considered the case of petitioner, but promoted him with effect from 2004. It is further stated that the petitioner has retired from service on reaching the age of superannuation. The contention of petitioner is that while accepting the entitlement of petitioner for promotion as AAO/ AEO, the Respondents have committed gross illegality in promoting the petitioner from 2004 but not from the date on which his juniors are promoted. Therefore, the learned counsel prays for

a direction to promote petitioner from 2003 i.e., on the date on which the juniors of petitioner were promoted.

4. The complaint in the writ petition is one against the inaction of Respondents in considering the case of petitioner for promotion as AAO/ AEO. The interim order dated 26.06.2003, in fact, has virtually worked out the grievance of petitioner, namely, the non-consideration of petitioner to the post of AAO/ AEO. The Respondents in obedience to the directions issued by this Court have considered the case of petitioner, however, promoted him in 2004. The denial of promotion from 2003 is not the subject matter of challenge in the writ petition. The petitioner accepted the promotion given in 2004 and retired from service after attaining the age of superannuation. Hence, at this length of time, for the above reasons, I am not inclined to expand the scope of writ prayer and issue further directions in this behalf.

5. The writ petition is disposed of by making the interim order as final order. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

February 9, 2017
Kv

S. V. BHATT, J

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