

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5435 of 2018

M.Ravi .. Petitioner

-vs-

1. The Secretary
Department of Animal Husbandry
Government of Tamil Nadu
Secretariat, Chennai 600 009
2. The Managing Director
Tamilnadu Co-operative Milk Producers
Federation Ltd., (TCMPF)
"Aavin Illam"
Madhavaram Milk Colony
Chennai 600 051
3. The Chairman
Tamilnadu Co-operative Milk Producers
Federation Ltd., (TCMPF)
"Aavin" No.2, Pasumpon Muthuramalinganar Salai
Nandanam, Chennai 600 035
4. The Commissioner
Tamilnadu Co-operative Milk Producers
Federation Ltd., (TCMPF)
"Aavin" No.2, Pasumpon Muthuramalinganar Salai
Nandanam
Chennai 600 035
5. The Member of National Dairy Development Board
Tamilnadu Co-operative Milk Producers
Federation Ltd., (TCMPF)
"Aavin" No.2, Pasumpon Muthuramalinganar Salai
Nandanam
Chennai 600 035 .. Respondents

Prayer: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to include the name of the petitioner in the seniority list for Assistant General Manager (Engineering) seniority list as on 01.01.2017 and thereby promote the petitioner as Deputy General Manager (Engineering), Tamil Nadu Co-operative Milk Producers Federation Ltd., (TCMPF).

For Petitioner :: Mr.R.Rangarajan

For Respondents:: Mr.N.Sakthivel

Additional Government Pleader for R1

Mr.L.P.Shanmugasundaram

Special Government Pleader

for R2 to 5

ORDER

This writ petition has been filed seeking a mandamus directing the respondents to include the name of the petitioner in the seniority list for Assistant General Manager (Engineering) and promote him as Deputy General Manager (Engineering) in the Tamil Nadu Co-operative Milk Producers Federation Ltd., (TCMPF).

2. Learned counsel for the petitioner, in support of his prayer, pleaded that after the petitioner joined as Store Keeper (Technical) in the Tamil Nadu Co-operative Milk Producers Federation Limited in the year 1984, his designation as Store Keeper (Technical) was changed and renamed as Deputy Manager (Stores) and since then he was not considered for further promotion as Manager (Stores), although the bye-laws/adhoc rules stated that if an employee of the Tamil Nadu Co-operative Milk Producers Federation Limited had worked as Store Keeper (Technical) for five years in transport unit, he is eligible for being promoted to the post of Manager (Stores). In the meanwhile, the petitioner also acquired the Post Graduate Diploma in Materials Management in the year 2011. Once again after the common cadre rule for Deputy Manager was formed in 2013, which also stated that the college diploma was the eligibility for promotion, he was promoted to the post of Manager (Engineering) on 23.4.2013. Thereafter, he was also promoted as Assistant General Manager (Engineering). After rendering 34 years of dedicated service in the Tamil Nadu Co-operative Milk Producers Federation Limited, it is stated that the petitioner has given a letter to the second respondent on 19.7.2017 stating that he is eligible and fully qualified for the post of Deputy General Manager (Engineering). But without considering his request, the superior officers working in the Tamil Nadu Co-operative Milk Producers Federation Limited have fixed different types of scale to each department and because of that rule, his colleagues who got recruited few years later than him became seniors. Now the respondents are attempting to finalise the panel of Assistant General Managers (Engineering) fit for promotion to the post of Deputy General Manager (Engineering) based on the seniority list dated 11.2.2017 without including his name. Such an approach is wholly untenable and unfair. Learned counsel for the petitioner also pleaded that the rules are framed indiscriminately to the whims and fancies of the respondents stating that in the petitioner's department,

he has to pass through four stages, whereas in another department in the same Tamil Nadu Co-operative Milk Producers Federation Limited, different rule has been framed saying that for promotion to the post of Deputy General Manager (Engineering), one has to pass through only two stages.

3. But this Court is unable to find any merit in this writ petition. The reason is that so long as the rules of promotion have not been questioned, the petitioner cannot come to this Court asking for inclusion of his name in the promotional panel. Therefore, the writ petition is dismissed. Consequently, W.M.P.No.6701 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

To

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Chennai 600 035

+1cc to Mr.R.Rangarajan, Advocate Sr.No.19615

+1cc to Mr.L.P.Shanmugasundaram, Spl. Govet. Pleader SR.No.20414

+1cc to Government Pleader Sr.No.19226

MR(CO)

sm:30.5.2018

W.P.No.5435 of 2018



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