

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.69 of 2018

S. Ravindran

Petitioner

vs.

1 The Additional Chief Secretary to Government  
Transport Department  
Secretariat  
Chennai 600 009

2 Tamil Nadu State Transport Corporation  
(Kumbakonam) Ltd.  
represented by its Managing Director  
Railway Station View Road  
Kumbakonam 612 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to give deemed promotion as Assistant Manager with effect from 30.12.2013 and consequential benefits by considering the petitioner's representations including the one dated 11.12.2017.

For petitioner Mr. D. Soundar Raj

For R1

Mr. R.S. Selvam  
Government Advocate

For R2

Mr.A. Antony Arockia Raja  
Standing Counsel

ORDER

This writ petition has been preferred by a retired Selection Grade Assistant Senior Engineer seeking issuance of a direction to the respondents to give deemed promotion as Assistant Manager with effect from 30.12.2013 and also to grant consequential benefits on the basis of his representation dated 11.12.2017.

2 The learned counsel for the petitioner submitted that the petitioner was appointed as Junior Engineer on 01.11.1982 and he was promoted to the post of Assistant Engineer on 01.10.1990 and again, after nine long years, he was further promoted as Senior Assistant Engineer on 01.01.1999; thereafter,

having proved his mettle in the said post, by virtue of his merit, he was further promoted as Selection Grade Senior Assistant Engineer on 01.10.2004 and with the said promotional status, he retired from service with effect from 31.05.2016 on attaining the age of superannuation; when he was promoted as Selection Grade Senior Assistant Engineer on 01.10.2004 in the scale of pay of Rs.8000-275-13500, his scale of pay was also subsequently revised after the recommendation of the VI Pay Commission in G.O. Ms.No.142, Transport C1 Department dated 21.08.2008 as Rs.9100-275-14050; since 5 years service in the grade of Assistant Engineer should be possessed as per Rule 58 of the Common Service Rules and the post of Assistant Engineer being the feeder category for promotion to the post of Assistant Manager, the post of Selection Grade Senior Assistant Engineer became the feeder category for promotion to the post of Assistant Manager; but, the petitioner was overlooked and his juniors were promoted as Assistant Managers; hence, the petitioner addressed a representation dated 06.08.2015 to the second respondent and again, he addressed another representation dated 11.09.2015 to the first respondent while in service seeking promotion to the post of Assistant Manager, but, his representations have not yet been considered and therefore, the present writ petition seeking the aforestated relief.

3 This Court finds no merit in the petitioner's representations. The reason is when the petitioner retired from service with effect from 31.05.2016 as Selection Grade Senior Assistant Engineer to which post he was promoted on 01.10.2004, it is not known why he remained quiet when his juniors were promoted as Assistant Managers overlooking his merit as early as from 30.12.2013 even as per his own representation. Thus, when the petitioner has miserably failed to challenge his juniors' promotion then and there, this Court has no hesitation in holding that the petitioner is guilty of delay, laches and acquiescence.

In such view of the matter, this writ petition fails and is accordingly dismissed. Costs made easy.

s/d-

Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

cad

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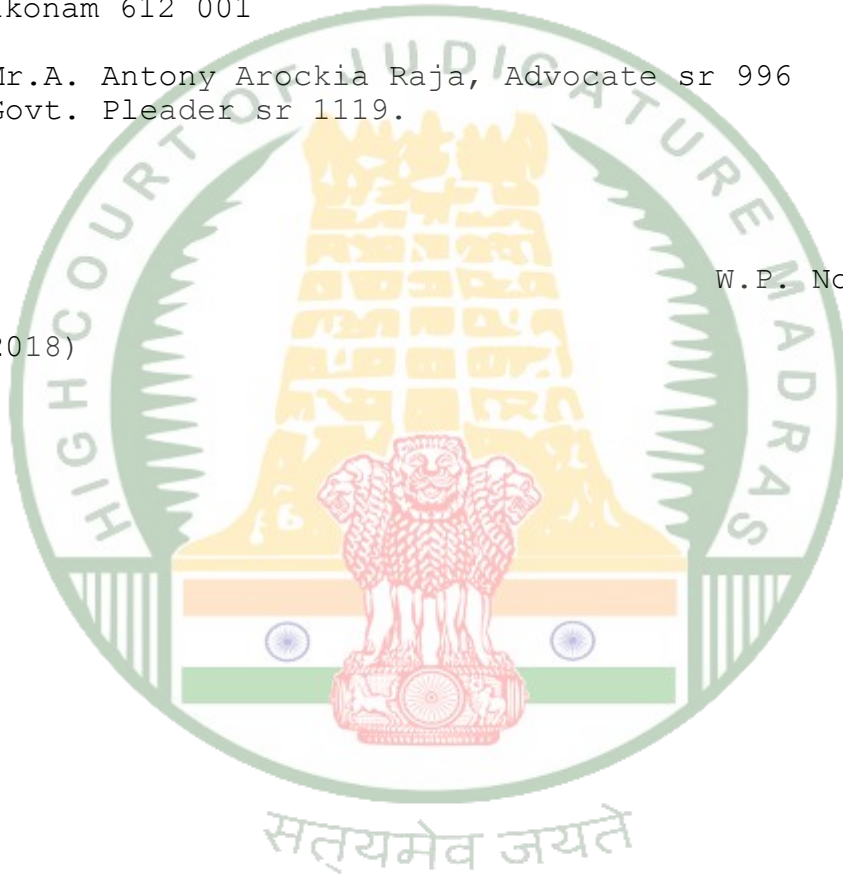
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+1 CC to Mr.A. Antony Arockia Raja, Advocate sr 996  
+1 CC to Govt. Pleader sr 1119.

W.P. No.69 of 2018

SP(25/01/2018)



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