

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.10.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5521 of 2013

and

M.P.No.1 of 2013

K.Bhaskar

..Petitioner

vs

1.The Life Insurance Corporation of India,
Central Office, Yogakshema,
Jeevan Bima Marg, Mumbai - 400 021,
Represented by the Chairman,
Life Insurance Corporation of India.

2.The Managing Director,
Life Insurance Corporation of India,
Central Office, Yogakshema,
Jeevan Bima Marg, Mumbai - 400 021.

3.The Executive Director(Personnel)
Life Insurance Corporation of India,
Central Office, Yogakshema,
Jeevan Bima Marg, Mumbai - 400 021.

4.The Zonal Manager,
Life Insurance Corporation of India,
South Central Zonal Office,
Opp.Secretariat, Saifabad,
Hyderabad.

5.The Zonal Manager,
Life Insurance Corporation of India,
Zonal Office, LIC Building,
153, Annasalai, Chennai - 600 002.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to promote him as Senior Divisional Manager/Deputy Zonal Manager from the year 2006 and to give promotion with retrospective effect from the years 1992 in the Cadre of Administrative Officer 1996 as Assistant Divisional Manager 2002 as Divisional Manager and all promotions with consequential benefits.

For Petitioner : Mr.C.Deivasigamani

For Respondents : Mr.C.K.Chandrasekar

O R D E R

The relief sought for in this writ petition is for a direction to direct the 1st respondent to promote him as Senior Divisional Manager/Deputy Zonal Manager from the year 2006 and to give promotion with retrospective effect from the years 1992 in the Cadre of Administrative Officer 1996 as Assistant Divisional Manager 2002 as Divisional Manager and all promotions with consequential benefits.

2.The writ petitioner states that he is a Post Graduate Degree Holder, possessing M.Sc., M.Phil., from the prestigious Dr.A.L.Mudaliar Institute of Basic Medical Sciences, Tharamani, Chennai. The petitioner joined into the service of the respondent Corporation as Direct Recruit Assistant Administrative officer on 02.03.1988 and retired from service on 31.08.2018 on attaining the age of superannuation.

3.The grievances of the writ petitioner is that the promotions to the higher posts has not been granted to him in spite of the fact that he is fully qualified and eligible for promotion. The petitioner narrates various circumstances in respect of the entries made in the Service Registers and other particulars. However, the disciplinary proceedings may not be required for the purpose of deciding this case in view of the fact that the relief as such sought for to promote the writ petitioner with effect from the year 1992, cannot be granted.

4.Promotions can never be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. Thus, whenever a panel of eligible persons are prepared for promotion to higher posts, all the eligible persons' names are to be considered for inclusion. In the event of preparation of panel alone, the case of the writ petitioner can be considered and it is not as if the writ petitioner can simply claim retrospective promotion without any reference to the preparation of panel or seniority.

5.The learned counsel appearing on behalf of the respondents brought to the notice of this Court that the Post of Senior Divisional Manager / Deputy Zonal Manager and the Divisional Manager are the selection posts and in fact, the writ petitioner had already been promoted upto the post of Divisional Manager. The petitioner was subjected to the selection process and promoted upto the post of Divisional Manager and at the time of

retirement, he was holding the Post of Divisional Manager. However, the claim of the writ petitioner with retrospective effect from the year 1992 cannot be granted in the absence of any rules to that effect. This apart, the present writ petition has been filed on 4th March 2013, claiming retrospective promotion with effect from the year 1992.

6.This Court is of an opinion that the writ petitioner was considered for promotion in accordance with the seniority and he was already promoted thrice and was holding the post of Divisional Manager at the time of superannuation.

7.This being the factum of the case, the writ petitioner has not established even a semblance of legal right, so as to consider the claim for retrospective promotion from the year 1992.

8.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

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Sub Assistant Registrar

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To

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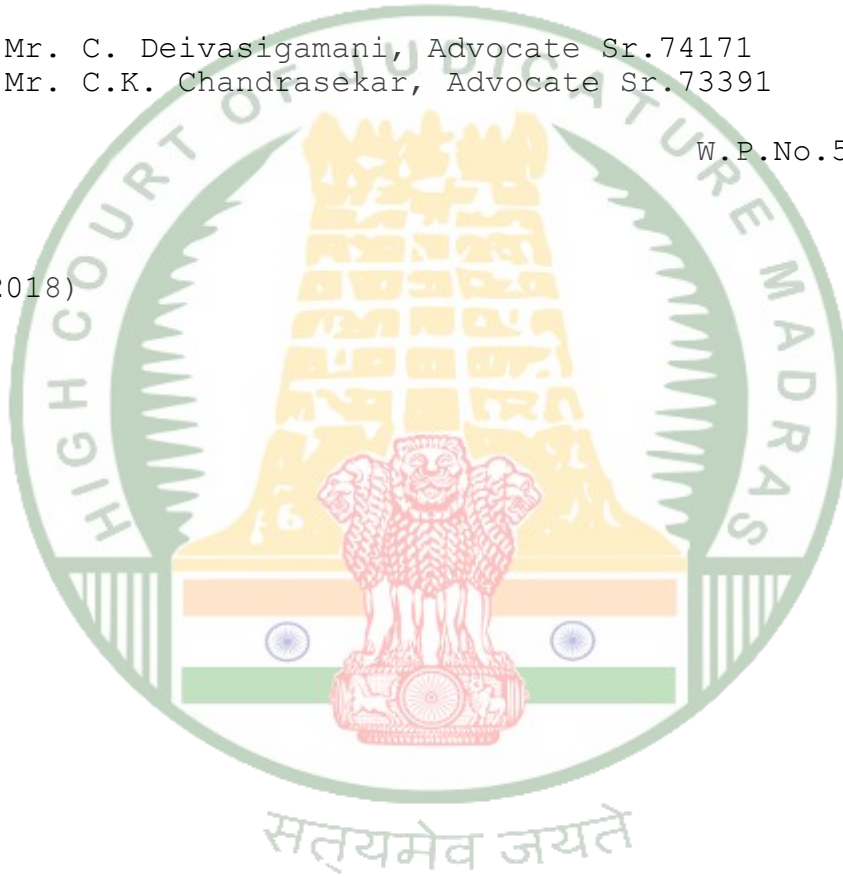
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+ 1 cc to Mr. C. Deivasigamani, Advocate Sr.74171
+ 1 cc to Mr. C.K. Chandrasekar, Advocate Sr.73391

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SSV(CO)
EU(16/11/2018)



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