

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.06.2018

CORAM

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

W.P.No.19116 of 2015

and

M.P.No.1 of 2015

Bhaarithiya Electricity Employees Federation,
(Reg.990/SLM, (Affiliated with BMS in TN 100),
Represented by its State Executive President,
Mr.R.Muralikrishnan,
177, 5th Main Road, Sri Iyyappa Nagar,
Virugampakkam Post,
Chennai - 600 092. ...Petitioner

vs

- 1.The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd
144, Anna Salai, Chennai - 600 002.
- 2.The Chief Engineer/Personnel,
Tamilnadu Generation and Distribution Corporation Ltd
144, Anna Salai,
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 respondents herein to consider the candidature of petitioner union members in Annexure enclosed with the writ petition for the post of Junior Engineer/Electrical II Grade based on the representation dated 30.03.2015 in the light of the interim order dated 07.12.2012 passed by the Hon'ble Supreme Court in SLP No.35793 to 35796/2012.

For Petitioner : M/s.G.B.Saravanabhavan

For Respondents : Mr.P.R.Dilipkumar

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the candidature of the petitioner union members in Annexure enclosed with the writ petition for the post of Junior Engineer/Electrical II Grade based on the representation dated 30.03.2015.

2.Promotion can never be claimed as a matter of right. Consideration for promotion is a fundamental right. However, an employee who is otherwise eligible in accordance with the rules in force are entitled to be considered at the time of preparation of panel by the competent authorities. However, promotion itself can never be claimed as a matter of right. All promotions are to be made only in accordance with the rules in force and in accordance with the seniority list published by the competent authority. Thus, by submitting a representation, no employee can seek promotion by filing a writ petition under Article 226 of the Constitution of India.

3.In respect of the present writ petition on hand, the Bhaarathiya Electricity Employees Federation has filed the present writ petition seeking a direction to promote the members of the federation to the Post of Junior Engineer/Electrical II Grade, based on their representation. Such a vague relief sought for in this writ petition can never be considered by this Court. If at all an employee is aggrieved from and out of any non-promotion, the individual aggrieved employee is at liberty to approach this Court by filing a writ petition. However, the Federation cannot file a writ petition in respect of the individual promotions and therefore, the writ petitioner has not made out any cause of action in order to establish a legal right, so as to consider the relief as such sought for in this writ petition.

4.Promotions are individual service conditions and only the aggrieved person is at liberty to approach the Court for redressal of his grievances in respect of promotions.

5.In this view of the matter, the relief as such sought for cannot be granted and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते
s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1.The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd
144, Anna Salai, Chennai - 600 002.

2.The Chief Engineer/Personnel,
Tamilnadu Generation and Distribution Corporation Ltd
144, Anna Salai,
Chennai - 600 002.

+1 CC to Mr.P.R. Dhilip Kumar, Advocate sr 40654.

W.P.No.19116 of 2015

SP(03/07/2018)



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