



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

CORAM

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

W.P.(MD) No.2911 of 2013

WEB COPY
Sivaraman

... Petitioner

-vs-

The Chairman and Managing Director,
Bharat Heavy Electricals Limited,
Siri Fort,
New Delhi -110 049.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to award gift to the Petitioner with regard to celebration of Golden Jubilee of BHEL on par with the regular, temporary employees and Trainees of BHEL, Trichy Unit, who were all on rolls of BHE on 29.8.2006.

For Petitioner : Mr.P.Ganapathi Subramanian

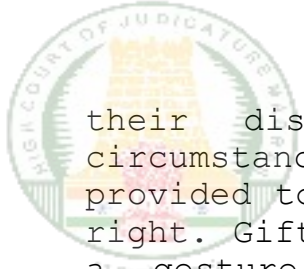
For Respondent : Mr.K.Prabhakar

O R D E R

The relief sought for in this Writ Petition is for a direction to the respondent to award gift to the Petitioner with regard to celebration of Golden Jubilee of BHEL on par with the regular, temporary employees and Trainees of BHEL, Trichy Unit, who were all on rolls of BHEL on 29.08.2006.

2.The least the Petitioner wants to have is a letter of appreciation. The learned counsel for the Writ Petitioner states that the Writ Petitioner is not interested in getting gold coin or other monetary consideration by way of appreciation. What all the Petitioner wants is a letter of appreciation from the respondent/Management in respect of the unblemished record of service rendered by him in the respondent/establishment for about 31 years.

3.The learned counsel for the Writ Petitioner states that the Petitioner requires an appreciation in view of the long service rendered by him. However, this Court is of an opinion that an employee, who was appointed for a public service, is bound to serve with honesty and devotion to duty. Honesty and integrity are the expected characters of a Government Servant and no one can claim gift or monetary consideration on the ground of honesty and devotion to duty. It is the minimum expected character from a public servant by the public in general. Honesty and integrity is the character to be moulded by the Government Servant. The employers at



their discretion grant letter of appreciation, in certain circumstances. However, those letter of appreciation or gifts provided to the certain employees can never be claimed as a legal right. Gift or appreciation can never be a right at all. It is only a gesture shown by an employer in certain occasions, more specifically, in the present case, there was an occasion of celebrating the golden Jubilee function by the respondent/Organisation. Thus no employee of the respondent/Organisation can claim gift or appreciation by way of right nor any such Writ Petition can be filed in this regard. In the absence of any legal right, no Writ Petition can be entertained under Article 226 of the Constitution of India. The Writ Petitioner had served in the respondent/Organisation for about 31 years and he was peacefully allowed to retire from service and all his terminal and retirement benefits are disbursed to him. He cannot claim any right in respect of gifts or appreciation granted in the year 2006. The Petitioner was allowed to retire from service in the year 1995 and therefore, this Court is of an opinion that the Writ Petitioner had not established even a semblance of legal right so as to consider his claim in relation to the relief as such sought for in this Writ Petition.

4. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

The Chairman and Managing Director,
Bharat Heavy Electricals Limited,
Siri Fort,
New Delhi -110 049.

+One cc to Mr.K.Prabhakar, Advocate, SR.No.50155

vsn

RL/3C/2P/KK/SAR4/28/2/2018

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