

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.21648 OF 2018

Dated:28.06.2018

Between:

Ch. Padma, W/o. Late Biksham,
aged about 57 years, Occ: Tester Grade-II,
SPM, Nakarekal, R/o.H.No.3-66, Pamagudla
Village, Duganvali Post, Kattangur Mandal,
Nalgonda District

.. Petitioner

And

State of Telangana, rep., by its
Principal Secretary, Energy Department,
Telangana Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioner is presently working as Tester Grade-I and aspiring promotion in the next higher category of Tester Grade-II. According to petitioner, in the final seniority list dated 22.09.2017 he is shown at Serial No.10. Recently promotions were taken up and persons upto Serial No.9 were granted promotions and was stopped at Serial No.9 depriving promotion to the petitioner.

3. According to learned counsel for the petitioner, having rendered satisfactory service, petitioner is attaining the age of superannuation on 30.06.2018 and this misfortune of not getting promotion before her retirement even though there are vacancies and not considering her for promotion keeping the vacancies unfilled amount to arbitrary exercise of powers.

4. On this assertion, learned Standing Counsel for Telangana State Southern Power Distribution Company Limited was directed to obtain instructions on availability of vacancies. On instructions, learned Standing Counsel submits that all the vacancies were filled up and there are no more vacancies arising before the date of retirement of the petitioner and therefore promotion cannot be granted to her.

5. There is no right vested in an employee to claim promotion as a matter of course. Grant of promotion is subject to availability of vacancies, suitability of candidates and the requirements of the

employer to fill all the vacancies, even if available in the higher cadre. Merely because the petitioner is a senior most employee, cannot be a ground to claim promotion. More so, when there is no vacancy available or arising before the date of her retirement, no direction to promote her can be granted. There is no merit in the claim of the petitioner.

6. The Writ Petition is accordingly dismissed. No costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:28.06.2018

KH

P. NAVEEN RAO, J

