

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20579 of 2012

ORDER:

When the matter is taken up for hearing, counsel for petitioner submits that the petitioner was promoted as Assistant Divisional Manager from the cadre of Administrative Officer vide proceedings dated 03.05.2012 and the petitioner was also posted to Chennai from Hyderabad in the promoted post. Petitioner has submitted a representation on 09.05.2012 requesting to retain him at Hyderabad in the promoted cadre of Assistant Divisional Manager, contending that his children were preparing for Civil Services Examination. The said request of the petitioner was rejected by the respondents vide proceedings dated 12.06.2012 and the petitioner, though was retained at Hyderabad, his promotion orders were cancelled vide above said proceedings. Challenging the same, the present writ petition is filed.

Learned counsel for petitioner further contend that during the pendency of this writ petition, petitioner has attained the age of superannuation and appropriate orders be passed directing the respondents to settle the terminal benefits of petitioner in accordance with Rules.

Learned Standing Counsel appearing for respondents submits that since there was a regular vacancy of Assistant Divisional Manager at Chennai, case of the petitioner was considered for promotion and he was posted in the promoted post at Chennai. Since the petitioner declined to accept promotion and his promotion was cancelled for non-joining in the

promoted post vide orders dated 12.06.2004, he cannot question the said orders. Hence, the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that the respondents have rightly cancelled the promotion of petitioner for non-joining in the promoted post at Chennai. In view of the same, there are no merits in the writ petition and the writ petition is accordingly dismissed. No order as to costs.

It is needless to observe that the respondents shall release the terminal benefits of the petitioner in accordance with Rules.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

24th December 2018

ajr

