

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.02.2019

CORAM

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

W.P.No.2904 of 2019

and

W.M.P.No.3163 of 2019

C.Thiagarajan

..Petitioner

vs

- 1.The Government of Tamil Nadu
Rep.by the Secretary to Government
Tamil Development and Information
(S & P 1-2) Department
Secretariat, Fort St.George,
Chennai - 600 009
- 2.The Director of Stationery and Printing
110, Anna Salai
Chennai - 600 002.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings of the first respondent issued in (1) Lr.No.3671/S&P1-2/2016-14, Tamil Development and Information(S & P1-2) Department, dated 17.03.2017 and (2) Govt.Lr(Rt).No.312, Tamil Development and Information (S & P 1-2) Department, dated 28.12.2017 quash the same and consequently to direct the first respondent to grant the petitioner deemed promotion as Joint Director in the scale of pay of Rs.12000-375-16500 with effect from 01.07.1999 with all attendant service and retirement benefits.

For Petitioner : Mr.B.R.Ganesan

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

Promotion can never be claimed as a matter of right. Consideration for promotion is a fundamental right of an employee. Promotion cannot be a right of an employee. All promotions are to be made strictly in accordance with the rules in force. Only in the event of violation of promotion rules, the

employees will acquire right to agitate the matter in the manner known to law.

2. In respect of the present writ petition on hand, admittedly, the writ petitioner was allowed to retire from service from the post of Deputy Director of Stationery and Printing on 31.12.1999.

3. The grievance of the writ petitioner is that the post of Deputy Director was upgraded as Joint Director on 16.05.1997 and the case of the writ petitioner was not considered for promotion to the Post of Joint Director during the appropriate time on account of the fact that his senior was not promoted to the Post of Joint Director and therefore, his case was also not considered for promotion.

4. The learned counsel for the writ petitioner states that his senior approached the Court of law and obtained orders. In spite of the orders of the Court, the senior to the writ petitioner had not been promoted to the Post of Joint Director. However, his case was considered after his retirement and therefore, the writ petitioner's case also is to be considered for retrospective promotion from the date on which his senior was promoted.

5. This Court is of an opinion that the right of promotions if any denied must be settled within a reasonable period of time. Admittedly, the Post of Deputy Director was upgraded on 16.05.1997 and at this juncture, the case of the writ petitioner was not considered for promotion to the Post of Joint Director of Stationery and Printing. The writ petitioner was allowed to retire from service on 31.12.1999. Now after a lapse of 19 years, the writ petitioner cannot seek any retrospective promotion on the basis of that his senior was not promoted during the relevant point of time and therefore, his case was also not considered for promotion to the Post of Joint Director of Stationery and Printing. Such a stale claims cannot be entertained after a lapse of many years.

6. Thus, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
Tamil Development and Information
(S & P 1-2) Department
Secretariat, Fort St.George,
Chennai - 600 009

2.The Director of Stationery and Printing
110, Anna Salai
Chennai - 600 002.

+1cc to the Government Pleader, S.R.No.9706

W.P.No.2904 of 2019

SVI (CO)
GSP (06/03/2019)



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