



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.14332 of 2012

R.Yien Jesudhas

... Petitioner

vs.

1.The Chief Engineer

Administration and Service
Tamil Nadu Electricity Board
N.P.K.R.R.Maligai
No.144, Anna Salai
Chennai-600 002

2.The Superintending Engineer

Tamil Nadu Electricity Board
Kanyakumari Electricity
Distribution Circle
Nagercoil, Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent dated 19.11.2011 in Ka.No.011290/403/NiPi.1/Pi1/2011-1 and quash the same and consequently direct the respondents to give notional promotion to the petitioner as Foreman Grade - I with all monetary benefits.

For Petitioner : Mr.T.Selvakumaran
For Respondents : Mr.S.Dhayalan
Standing Counsel

O R D E R

The order of rejection, dated 19.11.2011, passed by the second respondent, rejecting the claim of the writ petitioner for promotion on account of the fact that he was retired from service, is under challenge in the present writ petition.

2. The writ petitioner joined in the Tamil Nadu Electricity Board in the year 1968 and promoted as Line Inspector in the year 2001. The writ petitioner attained the age of superannuation and retired from service on 30.11.2006. After retirement, the writ petitioner set out a claim by stating that he is entitled to be promoted to the post of Foreman Grade-I.



3. The learned counsel for the writ petitioner states that the writ petitioner submitted repeated representations and finally, the order of rejection was passed in the year 19.11.2011 and therefore, the writ petitioner has chosen to file the present writ petition.

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4. Admittedly, the writ petitioner was allowed to retire from service on 30.11.2006. He filed the present writ petition on 07.11.2012, after a lapse of six years from the date of his retirement. Promotion cannot be claimed after a lapse of so many years from the date of retirement. Further, it is not made clear that any promotion rules were violated during the relevant point of time, when the writ petitioner was in service. In the absence of any such specific claim with reference to the illegality or irregularity, if any committed by the respondents, the case of the writ petitioner for grant of notional promotion cannot be granted at this length of time. This being the factum, the writ petitioner has not established any acceptable legal ground for the purpose of considering the relief as such sought for in the present writ petition.

5. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-79033[F] dated 01/08/2019)

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