

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD)No.13614 of 2014****WEB COPY**

A.Xavier

... Petitioner

Vs.

The Management
Tamil Nadu State Transport Corporation,
Rep by its Managing Director,
Kumbakonam Region,
Kumbakonam.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to promote the petitioner for the post of Foreman with effect from October 2012 and pay him the arrears of monetary benefits on his monthly family pension from October 2012 along with eligible interest by considering the petitioner's representation dated 23.04.2014 within the time that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier
For Respondent : Mr.D.Sivaraman

ORDER

The writ petitioner was working as Special Grade Tradesman and his next avenue for promotion is to the post of Foreman. The present writ petition is filed for a direction to direct the respondent to promote the writ petitioner for the post of Foreman with effect from October 2012.

2.The learned counsel appearing on behalf of the respondents state that the case of the writ petitioner for promotion to the post of Foreman was considered, during the appropriate time. However, on account of the non-availability of the vacancy in the cadre of Foreman, no person has been promoted during the relevant point of time. This apart, none of the junior to the writ petitioner, while he was in service was promoted. Thus, the petitioner cannot claim any promotion after attaining the age of superannuation.

3.The writ petitioner was allowed to retire from service in the year 2013. Thus, the present writ petition is filed seeking promotion to the post of Tradesman after attaining the age of superannuation and further, the writ petitioner has not established that the promotion rules were violated by the respondents nor any of his juniors were promoted in violation of the Promotion Rules, while he was in service.



4.This being the factum, the writ petitioner has not established any legal rights so as to consider the relief as such sought for in the present writ petition.

5.With the above observation, this Writ petition is dismissed.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Management
Tamil Nadu State Transport Corporation,
Rep by its Managing Director,
Kumbakonam Region,
Kumbakonam.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-76787[F] dated 23/07/2019)

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NS

MK (06.08.2019) 2P 3C