



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.13329 of 2013

S.Murugan

... Petitioner

-Vs-

1.The Union of India,
Rep. by its Secretary,
Government of India,
Minstry of Shipping,
New Delhi-1

2.The Chairman,
V.O.C. Port Trust,
Tuticorin-628 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to notionally promote the petitioner to the post of Deputy Financial Advisor and Chief Accounts Officer (Categorized as Senior Deputy Chief Accounts Officer) in the pay scale of Rs.32,900-58000 w.e.f. 21.08.2008 to 31.10.2012 with all consequential benefits as requested by him in his request dated 09.06.2012.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.R.Murugappan
Central Government Standing Counsel
(for R1)

Mr.A.Arivuchandran (for R2)

ORDER

The relief sought for in the present writ petition is to direct the respondents herein to notionally promote the petitioner to the post of Deputy Financial Advisor and Chief Accounts Officer (Categorized as Senior Deputy Chief Accounts Officer) in the pay scale of Rs.32,900-58000 w.e.f. 21.08.2008 to 31.10.2012 with all consequential benefits.

2.The grievances of the writ petitioner is that the similarly placed employees, who were promoted on ad hoc basis, were granted retrospective promotion on notional basis. However, the case of the writ petitioner is not considered.

3.The learned counsel appearing on behalf of the respondents states that the petitioner was holding the post of Deputy Financial Advisor and Chief Accounts Officer (Categorized as Senior Deputy Chief Accounts Officer) on ad hoc basis and the claim of the writ



petitioner on the notional promotion cannot be considered. He further states that no such benefit was granted to the similarly placed persons.

4.This Court is of the considered opinion that mere temporary on ad hoc promotion would not confer any right on the employee to claim retrospective promotion in a substantive promotion. Regular promotions are to be made strictly in accordance with the rules in force and by considering all the eligible persons, who all are waiting to get promotions. Promotion per se cannot be claimed as a matter of right. However, the consideration for promotion is a matter of right. The grievances of the writ petitioner is that his case was not considered on par with the other employee nor any order has been passed communicating reasons for not consideration. The petitioner is entitled to know the reason for rejection of his claim for notional promotion. When the petitioner states that other similarly placed persons were considered and notional promotions were granted, the respondents are directed to look into the representations submitted by the writ petitioner with reference to the grounds raised and pass orders and communicate the same to the writ petitioner as expeditiously as possible.

5.With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Secretary,
The Union of India,
Government of India,
Ministry of Shipping,
New Delhi-1.

2.The Chairman,
V.O.C. Port Trust,
Tuticorin-628 004.

+1 CC to M/s.A. ARIVUCHANDRAN, Advocate (SR-21026[F] dated 04/11/2020)

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CK(CO)

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