



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD)No.17868 of 2013

L.Govindarajan

... Petitioner

Vs.

1.The Secretary cum General Manager,
Tamil Nadu Water Supply and
Drainage Board,
Chennai-05.

2.The Managing Director,
Tamil Nadu Water Supply and
Drainage Board,
No.31, Kamarajar Salai, Chepauk,
Chennai-05.

3.The Executive Engineer,
TWAD Board,
Urban Division,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 & 2 to give notional promotion to the petitioner as Administrative Officer by fixing the pay of the petitioner notionally as that of the Administrative Officer on par with his junior who got promotion and consequently direct the respondents 1 & 2 to revise the terminal benefits and Pensionary benefits of the petitioner.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mrs.Porkodi Karnan

ORDER

The relief sought for in the present writ petition is a direction to direct the first and second respondents to give notional promotion to the petitioner as Administrative Officer by fixing the pay of the petitioner notionally as that of the Administrative Officer on par with his junior.



2.The writ petitioner was appointed as Junior Assistant in the year 1977 and promoted to the post of Assistant on 17.09.1980 and thereafter, promoted as Superintendent. The writ petitioner, due to personal reasons, voluntarily retired from service on 04.12.2006.

3.The learned counsel appearing on behalf of the writ petitioner made submission that the writ petitioner had served about 29 years in the Tamil Nadu Water Supply and Drainage Board. The writ petitioner voluntarily retired from service from the post of Superintendent. The petitioner states that he is entitled for the notional promotion in the post Administrative Officer. The post of Administrative Officer was vacant and when at the time panel was prepared in the year 2001, the name of the petitioner was considered along with other eligible candidates. However, the petitioner voluntarily retired from service prior to the approval of the panel of the promotion to the post of Administrative Officer.

4.It is an admitted fact that at the time of voluntarily retirement of the writ petitioner, panel for promotion to the post of Administrative Office was not approved and no promotions were granted to the junior of the writ petitioner.

5.The learned counsel for the petitioner contented that if the panel for promotion for the year 2001 was approved during the relevant point of time, the petitioner would have got an opportunity for promotion to the post of Administrative Officer. It was an administrative delay on the part of the respondent, due to that, the petitioner was unable to get promotion as Administrative Officer.

6.The submission made in this regard by the petitioner is hypothetical one. Merely, the petitioner served about 29 years, the same cannot be a ground for the purpose of grant of notional promotion in the post of Administrative Officer. The fact remains that the petitioner was allowed to retire voluntarily from service on 04.12.2006 and admittedly, on the date of retirement the panel was not approved by the competent authorities and no promotion was granted to the junior of the writ petitioner. Thus, the writ petitioner is not an aggrieved person and as such he is not entitled to claim the relief of notional promotion.

7.Promotions are to be granted by following the rules and regulations in force. The writ petitioner was in service at the time of publication of panel. The writ petition was filed on 30.10.2013, by that time, the petitioner was aged about 63 years. Thus, the writ petition itself was filed after lapse of about seven years from the date of his retirement. The writ petition is liable to be dismissed on the ground of laches. The employees aggrieved, are bound to redress their grievances in the manner known to law within the reasonable period of time. Thus, the present writ petition, which was filed after enormous delay, is not



cannot wake up one fine morning and knock the doors of the Court for redressal of their grievances. Such a stale claims cannot be entertained by the High Court under Article 226 of the Constitution of India.

8. Thus, the writ petitioner has not made out any acceptable ground for the purpose of considering the relief sought for. Accordingly, the writ petition stands dismissed both on the ground of laches and on merits. No costs.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar(CS)

gns

+1 CC to M/s.M. GNANAGURUNATHAN, Advocate (SR-19682[F] dated 12/10/2020)

+1 CC to M/s.POLAX LEGAL SOLUTION, Advocate (SR-19693[F] dated 12/10/2020)

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