



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.14034 of 2014

L.Gokul

... Petitioner

-Vs-

1.The Director/Human Resources,
Bharat Heavy Electricals Ltd.,
Corporate Office,
BHEL House, Sirifort,
New Delhi 110 049.

2.The Executive Director,
Bharat Heavy Electricals Ltd.,
Trichy 14.

3.The General Manager,
Bharat Heavy Electricals Ltd.,
Trichy 14.

... Respondents

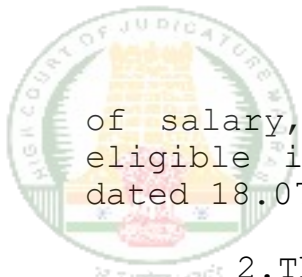
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to promote the petitioner to the post from SA7 to SA8 (Sr.Addl.Engr.Gr-I to Executive Additional Engineer II) w.e.f 25.06.2010 and directing them to pay the arrears of salary, monthly pension payable to the petitioner along with eligible interest by considering the petitioner's representation dated 18.07.2014 within the time that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to promote the writ petitioner to the post from Sa7 to Sa8 (Sr.Addl.Engr.Gr-I to Executive Additional Engineer II) w.e.f 25.06.2010 and directing them to pay the arrears



of salary, monthly pension payable to the petitioner along with eligible interest by considering the petitioner's representation, dated 18.07.2014.

2.The petitioner was selected and appointed for the post of Trainee Draftsman on 01.12.1975 and he was subsequently, promoted. The petitioner reached the age of superannuation and retired on 24.12.2012.

3.The grievances of the writ petitioner is that the promotion, in which he is entitled, had not been granted by the respondents. Thus, he is constrained for filing the present writ petition.

4.The learned counsel appearing on behalf of the respondents opposing the contention by stating that the writ petitioner was found not eligible for promotion by the promotion panel. The petitioner scored lesser marks and therefore, he was not considered for promotion to the higher post. This Court is of the considered opinion that the writ petition itself is filed after a lapse of two years from the date of retirement. The petitioner was allowed to retire from service on 24.12.2012 and the writ petition is filed in the year 2014. This apart, the case of the writ petitioner was considered by the Departmental Promotion Committee and his name was not recommended for promotion in view of the fact that he secured only 69 marks as against the cut of marks of 79. When the petitioner has not scored the cut of mark for promotion, his case was not considered for further promotion. The said position is explained in para 7 of the counter affidavit, which extracted hereunder:

"7.Admittedly, the petitioner joined as Trainee Draftsman in A6 grade in the year 1975. Thereafter, he got further promotions in Supervisory grade in 1978, 1983, 1988, 1994, 1998, 2002 and 2006 and came to SA7 grade on 25.06.2006. He became eligible for further promotion to SA8 in 2010. When his case was considered in 2010, he secured only 69 marks as against the cut off mark of 79 marks. Hence, the Departmental Promotions Committee did not recommend his case for promotion. In the year 2011 again, he secured only 69 marks as against the cut off mark of 74 marks. In June 2012, he secured only 69 marks as against the cut off mark of 71 marks. "

In view of the fact that the case of the writ petitioner was considered for promotion and not recommended because, he has not scored the cut of mark. Thus, the relief as such sought for cannot be granted. Promotion per se cannot be claimed as a matter of right. However, consideration is alive. In the present case, the case of the writ petitioner was considered and he was not



recommended in view of the fact that he has not scored the cut off mark. Thus, there is no infirmity and accordingly, the Writ Petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

Rmk

+1 CC to Mr.T.S.GOPALAN, Advocate (SR-21409[F] dated 06/11/2020)

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