



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.7115 of 2015

WEB COPY

M.Karunakaran
(Rtd., Revenue Supervisor,
TANGEDCO. Ltd.,)

... Petitioner

Vs.

1.The Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep by its Chairman cum Managing Director,
Chennai-600 002.

2.The Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep by its Chief Engineer Presonnel,
No.144, Anna Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant notional promotions as Assessment Officer to the petitioner with effect from 20.08.2014, the date on which the panel for promotion was approved vide Ref.No.(Per) CMD TANGEDCO Proceedings No.126 with consequential monetary benefits and other attendant benefits.

For Petitioner : Mr.V.Muthuvelan
For Respondents : Mr.T.Sakthi Kumaran

ORDER

The grievances of the writ petitioner is that a panel has been prepared, however, promotion was not granted to him. Thus, the petitioner filed the present writ petition with a prayer to direct the respondents to grant notional promotion as Assessment Officer with effect from 20.08.2014, the date on which, the panel for promotion was approved in proceedings No.126.

2.The petitioner states that the panel was approved on 20.08.2014 by the respondent/Board and he retired from service on 31.12.2014 and before issuing promotion order, the petitioner attained the age of superannuation. Thus, the claim is that notional promotion is to be granted with effect from the date of approval of panel.

3.Promotion *per se* cannot be claimed as a matter of right. Consideration for promotion is a fundamental right of an employee.



Equal opportunity in promotion is also a constitutional mandate. All employees, who all are eligible and aspiring to secure promotions are to be considered, as and when the competent authority initiate the steps to prepare the panel. Thus, the consideration alone is the right of an employee and in the present case, the name of the writ petitioner was considered and his name was found in the approved panel. However, before granting actual promotion by the respondents, the petitioner has reached the age of superannuation and retired from service on 31.12.2014. However, mere approval of panel would not confer any right on the petitioner to seek for notional promotion. Preparation of panel is an initial step and the right would approve only after granting of actual promotion and not before that. Thus, the very relief sought for is absolutely misconceived and mere approval of panel would not confer any right on the petitioner to seek notional promotion after his retirement.

4.This being the principles to be followed, the relief sought for deserve no merit for consideration and accordingly, stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai-600 002.

2.The Chief Engineer Presonnel,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002.

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate (SR-23220[F] dated
30/11/2020)

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VB (16.12.2020) 2P 4C