



WEB COPY

W.P.No. 13136 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 13136 of 2019

R. Kubendira Rao

... Petitioner

Vs

1. The Government of Tamilnadu

Represented by its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai – 600 009.

2. The Director of Medical Education,

No. 162, EVR Periyar Salai,
Kilpauk,
Chennai – 600 010.

3. The Dean,

Government Chengalpet Medical College Hospital,
Chengalpet, Kancheepuram District.

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring the action of the respondents in not upgrading the post of Electrical supervisor in the third respondent hospital into that of Assistant Executive Engineer as illegal, arbitrary and contrary to law and consequently direct the respondents to upgrade the



service of the petitioner in the post of Assistant Executive Engineer from the date when he has completed 10 years of service in the post of electrical Supervisor based on the petitioner's representations dated 18.03.2019 and 08.04.2019 within time frame fixed by this Court.

For Petitioner : Mr. Velmurugan Parthiban
For Respondents : Mr. T. Chezhiyan
Additional Government Pleader
for respondents 1 to 3

ORDER

The relief sought for in the present writ petition is to declare that the action of the respondents in not upgrading the post of Electrical Supervisor in the third respondent hospital into that of Assistant Executive Engineer, is contrary to law.

2. Upgradation is a policy decision and the petitioner as an ex-employee, cannot seek up-gradation as a matter of right. Upgradations are to be granted in accordance with the rules in force or based on Scheme if any, in force.



3. In the present case, the petitioner states that not granting upgradation is an arbitrary action. Upgradation being an administrative affair, the petitioner cannot claim it as a matter of right. That apart, the petitioner had already reached the age of superannuation and retired from service. Thus, the question of considering his case for grant of upgradation could not arise at all. The writ petition therefore stands dismissed. No costs.

01.12.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Principal Secretary to Government,
The Government of Tamilnadu
Health and Family Welfare Department,
Fort St. George,
Chennai – 600 009.
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S.M.SUBRAMANIAM, J.

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