



W.P.No.15042 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15042 of 2018

M.Rangasamy

...Petitioner

Vs.

The Director,
Directorate of Stationary and Printing,
No.110, Anna Salai,
Chennai – 600 002.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and papers from the files of the respondent made in iyak.ka.No.D2/3963/2016 dated 14.12.2016 and iyak.ka.No.D2/17594/2017 dated 28.2.2018 and quash the same and consequently directing the respondent to promote the petitioner as Chief Lino Mechanic before the petitioner retirement on 31.7.2011 and pay the pensionary benefits till date.

For Petitioner : Mrs.Alazhu Lakahmi
For M/s.K.Bharathi

For Respondent : Mr.R.P.Murugan Raja
Government Advocate



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ORDER

The claim of the writ petitioner for grant of promotion to the post of Chief Lino Mechanic with retrospective effect is under challenge in the present writ petition.

2. The petitioner states that he joined as Lino Mechanic on 19.05.1975 and promoted to Head Lino Mechanic in March 2003. The next avenue for promotion is to the post of Chief Lino Mechanic.

3. The grievances of the petitioner is that he made a representation to the Principal Director on 06.06.2011 to promote him to the Post of Chief Lino Mechanic and the said representation was not considered. However, the petitioner retired from service on 31.07.2011 and after five months from the date of his retirement, his junior one Mr.S.Raghuram was promoted as Chief Lino Mechanic. Therefore, the case of the writ petitioner is to be considered for retrospective promotion on par with his juniors.

4. Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is a Fundamental Right of an employee. It is not



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in dispute that the promotional post of Chief Lino Mechanic was filled up through the junior to the petitioner, while he was not in service.

5. The counter affidavit filed by the respondents state that the respondents have not prepared any panel for the period from 2010-11, for which, the post of Chief Lino Mechanic.

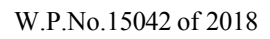
6. When the panel itself was not prepared during the relevant point of time, the petitioner cannot seek promotion to the said post. The petitioner was allowed to retire from service on 31.07.2011 and his junior was promoted after his retirement in the next year panel. Therefore, the petitioner is not entitled for the relief as such sought for in the present writ petition.

7. Accordingly, the writ petition stands dismissed. No costs.

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Index : Yes
Speaking order: Yes
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To



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S.M.SUBRAMANIAM, J.

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