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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NO.8194 OF 2014

Tmt.S.Sumathi

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu General and Distribution
Corporation Limited,
144 Anna Salai,
Chennai - 600 002.

2. The Chief Engineer (Personnel)
Tamil Nadu General and Distribution
Corporation Limited,
144 Anna Salai,
Chennai - 600 002.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st Respondent in his proceedings in Memorandum No.90959/A1/A12/2013-2 dated 13.02.2014 and quash the same, and direct the Respondents to give notional promotion to the petitioner as Deputy Financial Controller from the date on which her juniors was promoted and restore the seniority of the petitioner in the cadre of Deputy Financial Controller and consider the petitioner for further promotion to the post of Financial Controller along with others.

For Petitioner : Mr.P.Ganesan

For Respondents : Mrs.S.Anitha
Special Government Pleader



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ORDER

The order of rejection dated 13.02.2014 rejecting the claim of the writ petitioner retrospective promotion par with her Juniors is under challenge in the present writ petition.

2. The petitioner states that she was appointed as Assistant Accounts Officer on 30.06.2000 and thereafter, promoted to the post of Accounts Officer on 03.11.2006. The next avenue of promotion is to the post of Deputy Financial Controller. The petitioner was imposed with a punishment of Censure on 21.04.2007 during the relevant point of time the panel of persons in the cadre of accounts officer for promotion to the Deputy Financial Controller were promoted and learned counsel for the petitioner states that juniors to the writ petitioner were also promoted to the said post of Deputy Financial Controller.

3. In view of the fact that the petitioner was suffering from punishment of Censure on the crucial date. The crucial dated as per the petitioner was 01.01.2008 and the currency of punishment of Censure expired on 24.01.2008. It is an admitted fact that after expiry of the currency the petitioner was promoted to Deputy Financial Controller on 30.01.2008. The only contention of the petitioner is that, subsequently, the Hon'ble Full Bench of this Court has quashed the check period in the case of Deputy Inspector General Vs. V.Rani reported in 2011 (3) CTC 129.

4. This Court is of the considered opinion that the Full Bench of judgment of the year 2011 cannot be retrospectively applied in respect of the case, where the promotion was overlooked in the year 2008 based on the rules which was imposed.

5. This being the factum, the petitioner is not entitled for retrospective promotion of the year 2008 and consequently, the impugned order passed by the respondents stands confirmed and the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Jeni/Ab



To

1. The Secretary,
Tamil Nadu General and Distribution
Corporation Limited,
144 Anna Salai,
Chennai - 600 002.

2. The Chief Engineer (Personnel)
Tamil Nadu General and Distribution
Corporation Limited,
144 Anna Salai,
Chennai - 600 002.

+1cc to Mr.C.S.Associates, Advocate, S.R.No.33957
+1cc to the Government Pleader, S.R.No.34495

W.P.No.8194 of 2014

SJ(CO)
PM/20/06/2022