

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.16102 OF 2014

S.BASKARAN

... Petitioner

Vs.

1. THE STATION DIRECTOR,
MADRAS ATOMIC POWER STATION,
(NUCLEAR POWER CORPORATION LTD),
KALPAKKAM-603 103.

2. THE MANAGER (HR),
MADRAS ATOMIC POWER STATION,
(NUCLEAR POWER CORPORATION LTD)
KALPAKKAM-603 103.

... Respondents

PRAYER:

This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus calling for the proceeding of the 2nd respondent in No.NPCIL/MAPS/ HRM/2014 dated 12.5.2014 and quash the same and consequently direct the respondents herein to promote the petitioner as Chief Administrative Officer on par with his juniors.

For Petitioner	: Mr.R.Karthikeyan
For Respondents	: Mr.S.Mahesh for Mr.V.Vijay Shankar

O R D E R

The order declining the request of the writ petitioner for grant of promotion in proceedings dated 12.05.2014 is under challenge in the present writ petition.

2.The writ petitioner was appointed as Lower Division Clerk and his community certificate as Schedule Tribe was doubted by the employer during the relevant point of time. A verification was conducted and subsequently, the certificate was found to be

issued by the competent authority. Thus, no further action was initiated against the writ petitioner.

3.The learned counsel for the petitioner made a submission that the mere pendency of the verification proceedings was cited as a bar for grant of promotion during the relevant point of time. However, the petitioner reached the age of superannuation during the pendency of the writ petition and retired from service.

4.In the absence of establishing their rights for promotion, Court may not be in a position to issue a positive direction. Any direction issued to consider the case of the writ petitioner would not do any service to the cause of justice. The litigant is back again to the Court, which would undoubtedly cause hardship to the litigants. Therefore, the Courts are expected to decide the issues in all circumstances, only in exceptional circumstances where the rights are crystalized, then only such directions can be issued. Even for issuing a direction to consider the representation, the right is to be established by the person, who has approached the Court. It is not a mechanical order to be issued and such orders will not serve the purpose and therefore, this Court is of the opinion that the petitioner has to approach the competent authority with all facts and details and by establishing his right for retrospective promotion or promotion on par with his juniors or otherwise and in the event of any such application, establishing the right, the same is to be considered by the competent authority on merits and in accordance with law.

5.Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. THE STATION DIRECTOR,
MADRAS ATOMIC POWER STATION,
(NUCLEAR POWER CORPORATION LTD) ,
KALPAKKAM-603 103.
2. THE MANAGER (HR) ,
MADRAS ATOMIC POWER STATION,
(NUCLEAR POWER CORPORATION LTD)
KALPAKKAM-603 103.

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.35729

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.36490

W.P.No.16102 of 2014

GPL(CO)
PM/11/07/2022