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W.P.No.16860 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16860 of 2014

and

M.P.No.1 of 2014

D.Soundar Raj

... Petitioner

Vs.

1.The Principal Secretary to Government,
Transport Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The State Express Transport Corporation,
Represented by its Managing Director,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd Respondent to promote the petitioner as Assistant Manager from the year 2007 on par with his juniors and then as Deputy Manager in the Administrative Wing from the year 2009 with all attendant and consequential benefits including arrears of salary and consequently revise the retirement benefits viz., gratuity and pension in the furtherance to the implementation of the proceedings of the 2nd respondent in Order No.008181/HR2/SETC/13 dated 04.03.2013 and in Note No.008181/HR2/SETC TN/2013 dated 11.03.2013.



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For Petitioner : Mr.J.Jayamalan
For Mr.G.Sankaran
For R1 : Mr.S.Prabhakaran
Government Advocate
For R2 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

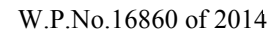
ORDER

The grievance of the writ petitioner is that he was not promoted to the post of Deputy Manager in the order of seniority.

2. The petitioner was appointed as Junior Assistant in March 1981 in the erstwhile Thiruvalluvar Transport Corporation. He was promoted as Junior Welfare Officer and Assistant Labour Welfare Officer and thereafter, as Assistant Manager (Service Matters and Courts) and then transferred as Assistant Manager (MCOP and CMA) and finally as Assistant Manager, (Public Relation).

3. The petitioner reached the age of superannuation on 30.04.2014 and retired from service.

4. The grievance of the writ petitioner is that the seniority list was not acted upon and consequently, the opportunity for promotion to the post of Deputy Manager was denied to the writ petitioner.



7. The learned Additional Government Pleader appearing on behalf of the 2nd respondent made a submission that no junior to the petitioner was promoted to the post of Deputy Manager and the petitioner was allowed to retire from service in the year 2014. During the relevant point of time, the petitioner had not completed six years of service and therefore, he was not eligible for promotion to the post of Deputy Manager as per the Common Service Rules in force.



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8. This Court is of the considered opinion that the writ petition has been filed mainly on the ground that the seniority proceedings were not acted upon. However, it is made clear that no junior to the petitioner had been promoted to the post of Deputy Manager. Thus, no right accrued to the writ petitioner and mere seniority would not confer any right for promotion. Even publication of panel would not confer any right for promotion. Only if actual promotion is granted or any of the juniors got promoted, then alone the right will accrued, but not otherwise. If at all any other benefits accrued to the post of Assistant Manager, the same is to be considered in accordance with the Service Rules.

9. With this, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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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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