



W.P.No.9546 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.9546 of 2016
and
W.M.P.No.2188 of 2020

V.Sivaraman

...Petitioner

-Vs-

1.The Tamil Nadu Generation &
Distribution Corporation Ltd., (TANGEDCO),
Rep. by its Chairman cum Managing Director,
NPKRR Maligai, 10th Floor,
No.144, Anna Salai, Chennai - 600 002.

2.The Chief Engineer (Personnel),
The Tamil Nadu Generation &
Distribution Corporation Ltd., (TANGEDCO),
NPKRR Maligai, 8th Floor,
No.144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
The Tamil Nadu Generation &
Distribution Corporation Ltd., (TANGEDCO),
Villupuram Electricity Distribution Circle,
Villupuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus, to call for the records



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relating to the impugned proceedings issued by the 2nd respondent in Letter No.087760/713/G30/G301/2015-5 dated 23.02.2016 and to quash the same and consequently directing the respondents to grant notional promotion to the petitioner to the post of Assistant Accounts Officer on the date of retirement on 31.01.2007 FN in the facts and circumstances of the case on par with other similarly placed persons and in the light of the orders passed in W.P.No.28673 of 2010 dated 14.03.2012 as confirmed in the orders passed in W.A.No.510 of 2013 dated 09.04.2013 in favour of one P.Chellan and the orders passed in W.P.No.27273 of 2012 dated 21.08.2012 in favour of N.Kannaiyan with consequential retirement benefits and pensionary benefits in the post of Assistant Accounts Officer within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.Rajkumar

ORDER

Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.K.Rajkumar, learned counsel for the respondents.

2. The petitioner herein had retired from his service on 31.01.2007. The petitioner claims that during his service, his name was included in the panel of Assistant Accounts Officer for the year 2006. The panel came to be



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acted upon on 31.01.2007, whereby the employees, who were shown above the petitioner's name in the promotional panel, were granted promotions.

After his retirement, it is claimed that all the persons, who were found in the promotional list below the petitioner, were promoted subsequently. In this connection, the petitioner herein seeks for notional promotion on par with the employees who were promoted after his retirement.

3. It is a settled proposition of law that mere inclusion of the name in the promotional panel will not give a right for promotion. Even otherwise, it is not the case of the petitioner that his juniors in the promotional panel were promoted, when he was in service. Merely because his juniors were promoted after his retirement on 31.01.2007, will not give a cause of action for the petitioner to seek for notional promotion. In this background, the claim of the petitioner itself cannot be sustained.

4. There is yet another ground on which the petitioner may not be entitled for such notional promotion. The present claim is made on the basis of the promotional panel for the year 2006, which was prepared only on 27.01.2007 and acted upon on 31.01.2007. The petitioner had also retired



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from his service on 31.01.2007 and the present writ petition has been filed in the year 2016, after a lapse of 9 years. There is absolutely no explanation in the affidavit filed in support of this writ petition as to the satisfactory reasons for such a delay. Thus, on the ground of delay and laches also, the petitioner is not entitled for the claim.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2022

Index:Yes
Internet:Yes
Speaking order
hvk



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WEB COPY

- To
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M.S.RAMESH,J.

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