



W.P.(MD).No.1931 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.1931 of 2013

K.Vyasamurthi

... Petitioner

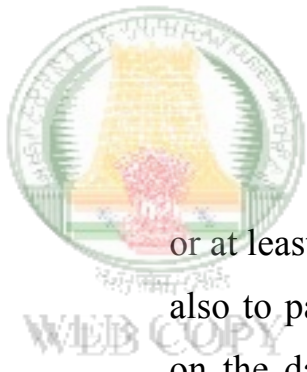
Vs.

1.The Management of
Tamil Nadu Cements Corporation Limited,
Represented by its,
Chairman cum Managing Director,
735, Anna Salai,
Chennai.

2.The Deputy General Manager,
Alangulam Works Unit,
Tamil Nadu Cements Corporation Limited,
Tamil Nadu Cements – P.O,
Sivakasi – Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, after calling for the records pertaining to the orders dated 06.05.2009 passed in Lr.No. 760/A3/2009 and 12.07.2010 passed in Na.Ka.No.200/Pi. L2/89 issued by the second respondent and 16.07.2010 passed in Lr.No.712/A4/2010-37 issued by the first respondent, quash the same and consequently direct the respondents to promote petitioner as Assistant Manager (Mines) with effect from 26.10.2001



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or at least from 04.05.2002 with all arrears and other consequential benefits and also to pay him the revised terminal benefits based on the pay payable to him on the date of his retirement as applicable to the post of Assistant Manager (Mines), together with interest, award costs.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.A.Sivaji

ORDER

This Writ Petition is filed to quash the impugned orders dated 06.05.2009, 12.07.2010 and 16.07.2010 and consequently direct the respondents to promote petitioner as Assistant Manager (Mines) with effect from 26.10.2001 or at least from 04.05.2002 with all arrears and other consequential benefits and also to pay him the revised terminal benefits.

2. The relevant portion of the impugned order dated 16.07.2010 is extracted hereunder:

“With reference to the Government letter cited, regarding the request of the petitioner viz., K.Vyasamurthi, Asst.Manager (Mines) (Retd.), Alangulam Cement Works for pre-poning of his promotion to the post of Asst.Manager (Mines) from 04.05.2002 to 30.03.2007 and to pay the monetary benefit could not be agreed to due to administrative reason”



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3. The petitioner claims promotion from 04.05.2002 onwards along with the monetary benefits but the petitioner was granted promotion in the year 2007. Promotion is not a matter of right and promotion can be granted whenever vacancy arises. The petitioner attained superannuation on 30.07.2008 and after retirement, the petitioner has filed this Writ Petition that too after the lapse of 5 years. Hence this petition is belatedly filed and hit by the principles of delay and laches. For these two reasons, the Writ Petition cannot be entertained.

4. In view of the above, this Writ Petition is dismissed. There shall be no order as to costs.

11.11.2022

Index : Yes / No
Internet : Yes/ No
Nsr

To

1.The Chairman cum Managing Director, The Management of
Tamil Nadu Cements Corporation Limited,
735, Anna Salai, Chennai.

2.The Deputy General Manager,
Alangulam Works Unit,
Tamil Nadu Cements Corporation Limited,
Tamil Nadu Cements – P.O,
Sivakasi – Taluk, Virudhunagar District.



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S.SRIMATHY, J.

Nsr

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