



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.04.2022**

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.12828 of 2021

A.T.Natarajan,
Divisional Manager,
East Division (Madurai)
Tamil Nadu State Transport Corporation,
Madurai.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Transport Department,
Secretariat,
St.George Fort,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
By-Pass Road,
Madurai-625 010.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to promote the petitioner as Deputy Manager (Technical) in pursuance to the recommendation of Finance Committee held on 13.06.2018 with effect from the date on which the other panel members were given promotion and by considering the petitioner's representation dated 21.08.2019 and 02.01.2021 within the period that may be stipulated by this Court.

For Petitioner : Mrs.R.Geethanjali
for M/s.Ajmal Associates

For Respondents : Mr.A.K.Manikkam
Additional Government Pleader
for R1
Mr.J.Senthil Kumaraiah for R2

O R D E R

The relief sought for in the present Writ Petition is to direct the first respondent to promote the petitioner as Deputy Manager [Technical] in pursuant to the recommendation of the Finance Committee held on 13.06.2018, with effect from the date on which the other panel members were given promotion, by considering the petitioner's representation dated 21.08.2019 and 02.01.2021, within the period that may be stipulated by this Court.

2. The petitioner states that he was appointed as Assistant Engineer on 09.07.1994. He was promoted to the post of Assistant Manager in the year 2009 and thereafter, to the post of Deputy Manager [Technical] in November 2019. While so, this petition has been filed seeking retrospective promotion.

3. However, it is brought to the notice of this Court that none of the juniors to the petitioner was promoted. The panel for promotion to the post of Deputy Manager [Technical] was published and the name of the petitioner was included. Initially, two seniors to the petitioner were promoted as Deputy Manager [Technical]. In subsequent vacancy, the petitioner was promoted to the post of Deputy Manager [Technical]. While so, he has filed the present writ petition seeking retrospective promotion on par with his seniors. Therefore, the writ petition is untenable.

4. Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is the fundamental right of an employee. In the present case, the name of the petitioner was considered for promotion at the first instance along with all other eligible candidates and in the order of seniority, two seniors to the petitioner were promoted to the post of Deputy Manager [Technical]. In the next vacancy, the petitioner was also promoted to the post of Deputy Manager [Technical]. While so, there is no infirmity or illegality in the matter of considering the names of the eligible persons for promotion. In the present case, the petitioner has already been promoted.

5. This being the factum, the very relief sought for in the present writ petition to grant retrospective promotion is untenable as the petitioner has not established that he was denied promotion on par with his junior. Thus, the Writ Petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar (CS)

ssb

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To

1.The Secretary to Government,
Transport Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
By-Pass Road,
Madurai-625 010.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-16620[F] dated
05/04/2022)

+1 CC to M/s.SPL.GP (SR-16701[F] dated 05/04/2022)

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MGJ(20.04.2022) 3P 5C