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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.7013 of 2019

1.K.Sevuga Perumal
2.M.Sekar
3.P.Karuthapandi ... Petitioners

-vs-

1.The Chairman & Managing Director,
TANGEDCO,
K.R.R.Maligai,
No.144, Anna Salai, Chennai.

2.The Chief Engineer,
TANGEDCO,
N.P.K.R.R.Maligai,
No.144, Anna Salai, Chennai.

3.The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, direct the respondents herein to give the third promotion of Assessment Officer to the petitioners notionally as the maximum promotion in the service of respondent Corporation with all monetary and pensionary benefits on par with their juniors within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.S.Arivalagan,
Standing Counsel

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents herein to give the third promotion of Assessment Officer to the petitioners notionally as the maximum promotion in the service of respondent Corporation with all monetary and pensionary benefits on par with their juniors within a reasonable time as may be fixed by this Court.

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2. Promotion *per se* cannot be claimed as a matter of right. All promotions are to be made strictly in accordance with the Rules in-force. Consideration for promotion is a fundamental right of an employee. In the present case, the question of consideration for promotion would not arise at all. The petitioner has retired from service in the year 2014 and filed the present writ petition after a lapse of five years from the date of retirement. Such stale belatedly cannot be entertained by this Court. Thus, merely submitting a representation seeking promotion cannot be a ground to issue a direction to promote the petitioner to the higher post and the petitioner has left out his right if any existed during the relevant point of time. Hence, he cannot knock the doors of this Court by merely stating that he is eligible for third promotion.

3. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Chairman & Managing Director,
TANGEDCO,
K.R.R.Maligai,
No.144, Anna Salai, Chennai.

2.The Chief Engineer,
TANGEDCO,
N.P.K.R.R.Maligai,
No.144, Anna Salai, Chennai.

3.The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni

+1 CC to M/s.K. APPADURAI, Advocate (SR-20575[F] dated 22/04/2022)

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SS/06.05.2022 : 2P/5C

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