



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD)No.7427 of 2019

C.Parameswaran

... Petitioner

Vs.

1.The Tamil Nadu Electricity Board,
Represented by its Chairman,
144, Anna Salai,
Chennai-2.

2.The Chief Engineer(Personnel)
Tamil Nadu Electricity Board,
8th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.

3.The Chief Engineer,
TANGEDCO,
Tirunelveli Zone,
Tirunelveli-11,
Tirunelveli District.

4.The Superintending Engineer,
Tamil Nadu Electricity Board,
TANGEDCO,
Kanyakumari Electricity Distribution Circle,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner as notionally as Assistant Account officer with effect from 25.04.2016 and consequently, direct the respondents to pay the petitioner's benefits and pensions appropriately with effect from 25.04.2016 by considering the representation of the petitioner dated 29.04.2016 and the remainder representation dated 30.03.2017 in the light of order passed in W.A.No.510 of 2013 dated 09.04.2013 by this Court, within the time frame that may be fixed by this Court.

For Petitioner

: Mr.C.Herold Singh

For Respondents

: Mr.S.Arivalagan



ORDER

The relief sought for in the present writ petition is to direct the respondents to promote the petitioner notionally as Assistant Account Officer with effect from 25.04.2016 and consequently, direct the respondents to pay the petitioner's benefits and pensions appropriately with effect from 25.04.2016, by considering the representation of the petitioner dated 29.04.2016 and the remainder representation dated 30.03.2017 in the light of order passed in W.A.No.510 of 2013 dated 09.04.2013.

2.Promotion *per se* is not an absolute right. Mere inclusion of the name of a person would not confer any right to seek promotion by filing a writ petition. Consideration for inclusion in the panel is a right of an employee. Therefore, in the event of taking an administrative decision to fill up the promotional post, the authorities are bound to consider the names of the eligible employee, who all are establishing to secure promotion. The panel is prepared. Panel is only for consideration. However, notional promotion can be sought for if at all any junior to the petitioner is promoted in violation of the promotion rules. Promotions are to be granted in accordance with the promotion rules, but, there are certain impediments, even for promotion, an employee suffering from punishment through various categories are to be followed before grant of promotion. The Hon'ble Supreme Court also clearly held that the promotion cannot be an absolute right. But consideration is a right.

3.In the present case, the name of the petitioner was considered and he was included in the panel for promotion to the post of Assistant Account Officer. However, before grant of promotion, he reached the age of superannuation and retired from service. Admittedly, none of the juniors to the petitioner were promoted, when the petitioner was in service. Therefore, this Court do not find any irregularity or otherwise. The petitioner has not established even a semblance of legal rights for the purpose of considering the relief as such sought for in the writ petition.

4.In view of the above, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

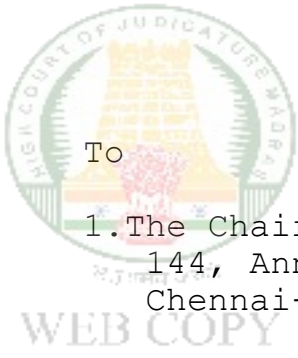
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ns

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Chairman,Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-2.

2.The Chief Engineer(Personnel)
Tamil Nadu Electricity Board,
8th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.

3.The Chief Engineer,
TANGEDCO,
Tirunelveli Zone,
Tirunelveli-11,
Tirunelveli District.

4.The Superintending Engineer,
Tamil Nadu Electricity Board,
TANGEDCO,
Kanyakumari Electricity Distribution Circle,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-17772[F] dated
11/04/2022)

W.P. (MD)No.7427 of 2019
08.04.2022

MGJ(20.04.2022) 3P 6C