



W.P.(MD)No.8078 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.8078 of 2020

and

W.M.P.(MD)No.7503 of 2020

C.Selvaraj

... Petitioner

Vs

The Managing Director,
State Express Transport Corporation Ltd.,
Tamil Nadu, Div.I,
Chennai - 600 002.

... Respondent

Prayer:- Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent Managing Director in Letter No. 000584/ HR6/ SETCTN/ 2018 dated 12.09.2018, quash the same and further direct the respondent State Express Transport Corporation Limited, to give notional promotions to the petitioner as Branch Manager w.e.f. 01.06.1994 and as Divisional Manager w.e.f. 17.11.2014 in the respondent Corporation with arrears of salary and all other attendant benefits admissible for that posts.



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For Petitioner : Mr.K.Ragatheesh Kumar
for M/s. Isaac Chambers

For Respondent : Mr.K.Sathiya Singh
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks notional promotion to the post of Divisional Manager and re-working of the benefits payable to him accordingly. The petitioner had earlier approached this Court by filing W.P.(MD)No.13600 of 2018. Vide order dated 26.06.2018, the management was directed to consider the petitioner's revision and pass orders on merits and in accordance with law. Pursuant to the said direction, the respondent passed order dated 12.09.2018 rejecting the petitioner's request. The respondent has taken the stand that promotion is based on availability of vacancies. The petitioner's counsel would point out that during the relevant time vacancy did arise in the post of Divisional Manager on account of the promotion of one Manikkavasagam as General manager and in that post, the petitioner was posted in in-charge capacity.



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3. The petitioner had joined the respondent corporation way back in the year 1981. His entry was as that of Junior Assistant(Trainee). He was made permanent in the year 1983 and promoted as Assistant Engineer in the 1999. He was promoted as Assistant manager on 11.04.2007 and he was made in-charge Divisional Manager on 16.11.2014. In the year 2015, he had retired.

4. The petitioner may probably be justified in nurturing grievance that he was not accorded promotion at the appropriate time. But then such issues cannot be agitated after retirement. The writ petitioner had come to this Court only in the year 2018, by which he was already three years into retirement. The impugned order was passed on 12.09.2018 and the challenge was mounted only in July, 2020. Matters relating to seniority and promotion will have to be agitated at appropriate time and they cannot be canvassed post retirement. Eventhough, I do find some of the contentions advanced by the learned counsel for the petitioner is quite persuasive, it is on this ground I decline to interfere.



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5. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index :Yes/No
Internet :Yes / No

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To

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G.R.SWAMINATHAN, J.

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