



WEB COPY



W.P.(MD) No.19880 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

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K.Jeyaraman

... Petitioner

-VS-

- 1.The Registrar General
Madras High Court
Chennai
- 2.The Secretary to Government
Home (Cts.V) Department
Secretariat, Chennai-9
- 3.The Registrar (Admn)
High Court Bench
Madurai
- 4.The Principal District & Sessions Judge
Ramanathapuram
Ramanathapuram
- 5.The Accountant General (A&E)
Chennai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to consider the petitioner's representation dated 16.02.2015 and thereby direct to grant notional promotion as Chief Administrative Officer earlier Personal Assistant to the Principal District Judge with all monetary benefits and to grant revised pension within a time stipulated by this Court.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.K.Samidurai for R1 to R4
No appearance for R5

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The relief sought for in this writ petition is to direct the respondents to consider the petitioner's representation dated 16.02.2015 and grant notional promotion as Chief Administrative Officer, earlier Personal Assistant to the Principal District Judge, with all monetary benefits and to grant revised pension within a time stipulated by this Court.

2. Admittedly, the petitioner was allowed to retire from service on 31.12.2001. After a lapse of fourteen years, the petitioner sent a representation to the respondents to consider his case for grant of notional



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promotion to the post of Chief Administrative Officer. Such stale claims cannot be entertained beyond the reasonable period.

3. Promotion is not an absolute right of an employee. Consideration for promotion is a fundamental right of the employee. The competent authority, while undertaking the process of preparation of panel, is bound to consider the name of all the eligible candidates. In the event of non-consideration or violation of the Rules or seniority, the aggrieved employees are entitled to approach the Appellate Authority or the Court of law as the case may be. In the case on hand, the petitioner had not raised any such objection or submitted any representation while he was in service and after a lapse of fourteen years from the date of retirement, he has chosen to send a representation and filed this writ petition, which cannot be entertained.

4. Accordingly, the writ petition is dismissed. No costs.

[S.M.S., J.]

[V.L.N., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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