



W.P.No.26947 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26947 of 2013

and

M.P.Nos.1 & 2 of 2013

A.Tenyson Arthur

...Petitioner

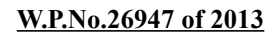
Vs

The Chairman and Managing Director
Tamil Nadu Cements Corporation Limited
735, Anna Salai
Chennai-600 002.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to Lr.Rc.No.3463/A1/2013 dated 22.08.2013 and quash the same and direct the respondent to promote the petitioner as Deputy Manager (Marketing) notionally w.e.f. 01.01.2011 with consequential benefits.

For Petitioner	:	Mr.L.Chandrakumar
For Respondent	:	Mr.M.Jaisingh representing Mr.A.Sivaji



The writ petition is filed challenging the order dated 22.08.2013. The order dated 22.08.2013 was passed upon the direction of this Court dated 16.07.2013 in the earlier writ petition in W.P.No.19250 of 2013 whereby the petitioner's representation was directed to be considered. The petitioner made a representation seeking promotion to the next higher post of Deputy Manager (Marketing) as there was a regular vacancy in that post and before his retirement by way of superannuation was on 30.04.2011. The said request has been negatived on the ground that even though there may be a vacancy upon retirement of one Pandian but the process of promotion cannot be set in with a view of retired employee getting higher retirement benefits.

2. Heard the learned counsel for the petitioner and learned counsel for the respondent and perused the materials available on record.

3. Even though the learned counsel for petitioner vehemently submitted that the regular vacancy has arisen and the petitioner had made



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a representation to promote him to the post of Deputy Manager (marketing), I find that the petitioner was not overlooked. None of the petitioner's juniors have been promoted. Therefore, merely because the petitioner has eligibility, he cannot claim right of promotion. If only the respondent fills up the vacancy, the petitioner has a right to be considered for promotion. In the absence of the same and even before any action could be taken up for filling up the vacancy, since the petitioner retired by way of superannuation, he had no vested right to be considered notionally. Accordingly, no exception whatsoever can be taken to the reasons mentioned in the impugned order.

4. Therefore, finding no merits, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

29.02.2024

Index: Yes/No
Speaking order
Neutral Citation : Yes/No
mk



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D.BHARATHA CHAKRAVARTHY.J.,

mk

To

The Chairman and Managing Director
Tamil Nadu Cements Corporation Limited
735, Anna Salai
Chennai-600 002.

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