



W.P.No.17854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17854 of 2024

S.Kulasekaran

... Petitioner

Vs

1. The Government of Tamil Nadu,
represented by its Secretary,
Transport Department,
Fort St. George,
Chennai – 600 009.

2. The Director,
Office of the Directorate,
Motor Vehicle Maintenance Department,
Velachery Salai, Chennai – 600 042.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to forthwith promote the petitioner as Superintendent with effect from 01.04.2018 with all monetary and other attendant benefits and consequently enhance the pensionary benefits and monthly pension and pay arrears.



W.P.No.17854 of 2024

WEB COPY

For Petitioner : Mr. K.Raja

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader

ORDER

This Writ Petition has been filed, directing the respondents to forthwith promote the petitioner to Superintendent, with effect from 01.04.2018, with all monetary and other attendant benefits, and consequently enhance the pensionary benefits, monthly pension, and pay arrears.

2. The petitioner was appointed as a Sweeper on 29.02.1988 and subsequently promoted to the post of Junior Assistant on 12.05.2004 and to Assistant on 25.07.2011. The petitioner's next avenue of promotion was to the post of Superintendent. However, he was not promoted to the post of Superintendent, despite his name being included in the panel for promotion to the post of Superintendent. Thereafter, he retired from service on 31.05.2018. Now, his junior has been promoted to the post of Superintendent. The delay was solely on the part of the respondents, for



W.P.No.17854 of 2024

which the petitioner should not have been denied promotion to the post of Superintendent.

3. The learned counsel for the petitioner relied upon judgment of the Division Bench of this Court in the case of ***N.Easwaramurty -vs- Government of Tamil Nadu*** (W.A. No. 1041 of 2019 judgment dated 01.08.2019), in which it has been held that the proposal was made for giving promotion to the appellant and at the time of vacancy. However, it was kept pending with the Government. Therefore, the delay was on the part of the appellant and directed to consider the case of the appellant for promotion. Hence, the above case cited by the petitioner is not applicable to the case on hand.

4. That apart, the petitioner was retired from service in the year 2018. At that juncture, there was no panel prepared for promotion to the post of Superintendent. Therefore, the request made by the petitioner cannot be considered and the Writ Petition is devoid of merits and it is liable to be dismissed.



W.P.No.17854 of 2024

WEB COPY

5. Accordingly, this Writ Petition is dismissed. No costs.

08.07.2024

Index: Yes/No
Neutral Citation: Yes/No
kv

To

1. The Secretary to Government of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai – 600 009.
2. The Director,
Office of the Directorate,
Motor Vehicle Maintenance Department,
Velachery Salai, Chennai – 600 042.



WEB COPY



W.P.No.17854 of 2024

G.K.ILANTHIRAIYAN, J.

kv

W.P.No.17854 of 2024

08.07.2024