



WEB COPY



W.P.No.14719 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14719 of 2024

S.Kannan

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Petitioner

Vs.

1. M/s. Metropolitan Transport Corporation
Rep. by its Managing Director
No.1, Pallavan Salai
Chennai – 600 002.

2. M/s. Metropolitan Transport Corporation
Rep. by its Senior Deputy Manager (HRD)
No.1, Pallavan Salai
Chennai – 600 002.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, calling for the records of the second respondent herein in his proceedings in க.எண்.2505/ச.பி.(நீ.ந)5/மா.போ.க./2024 dated 27.04.2024 and quash the same and consequently direct the respondents herein to settle the arrears of pay payable to the petitioner herein for the period from 05.07.2008 to 22.11.2011 with 6% interest payable to the petitioner herein consequential to his promotion of Senior Assistant Engineer from Assistant Engineer.



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For the Petitioner : Mr.D.Soundar Raj

For the Respondents : Mr.K.Balaji

ORDER

The prayer in the present writ petition is challenging the order dated 27.04.2024 and consequentially to direct the respondents to settle the arrears of pay, payable to the petitioner herein for the period from 05.07.2008 to 22.11.2011 with 6% interest.

2. The case of the petitioner is that when the petitioner was due for promotion to the post of Senior Assistant Engineer, the same was not granted to him. However, by the order dated 22.11.2011, the petitioner was retrospectively and notionally promoted as Senior Assistant Engineer and in the said order itself, it is clearly stated that the arrears will not be paid from 05.07.2008 to 20.11.2011. Subsequently, the petitioner also voluntarily retired from service with effect from 30.04.2013. While so, in the year 2023, the petitioner filed W.P.No.36551 of 2023, whereby, this Court directed the respondents to consider the representation filed



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by the petitioner to grant him the said arrears. The same is now rejected by the impugned order. Aggrieved by the same, the present writ petition is filed.

3. Firstly, it can be seen that what was granted was only a notional promotion. The petitioner never worked in the post of Assistant Engineer with effect from 2008 to 2011. Secondly, the order granting promotion itself specifically denies arrears to the petitioner. The petitioner never challenged the said order. Thereafter, the petitioner also voluntarily retired from service with effect from 30.04.2013. After ten years after his voluntary retirement, the petitioner filed a writ petition in the year 2023 and prayed for an order against the respondents to consider his representation and thereafter, filing the present writ petition, challenging the order disposing his representation is nothing but a belated attempt.



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4. The order of promotion dated 22.11.2011 specifically denies arrears to the petitioner. Unless the said order is challenged, the petitioner cannot have a second or subsequent cause of action by getting direction to consider his representation. In any event, the claim of the petitioner is belated and cannot be entertained.

5. For all the above reasons, the present writ petition fails and stands dismissed. There shall be no order as to costs.

07.06.2024

Index : Yes/No

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Chennai – 600 002.
2. The Senior Deputy Manager (HRD)
M/s. Metropolitan Transport Corporation
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D.BHARATHA CHAKRAVARTHY,J.

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