



W.P.No.1948 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1948 of 2021

V.Kumararajan

...

Petitioner

/vs/

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.
2. The Secretary,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.
3. The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.
4. The Chief Engineer, Distribution,
Trichy Region,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thennur, Trichy – 17.



W.P.No.1948 of 2021

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5. The Superintending Engineer,
Nagapattinam Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Nagapattinam. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents herein to grant notional promotion to the petitioner to the post of Senior Administrative Officer with all attendant benefits.

For Petitioner ... Mr.G.Anandakumar

For Respondents ... Mr.K.Rajkumar
Standing Counsel

ORDER

Heard Mr.G.Anandakumar, the learned Counsel for the petitioner,
Mr.K.Rajkumar, the learned Standing Counsel for the respondents

2. The petitioner has filed this writ petition seeking a writ of mandamus to direct the respondents herein to grant notional promotion to the petitioner to the post of Senior Administrative Officer with all



W.P.No.1948 of 2021

attendant benefits.

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3. The petitioner retired from service on 30.06.2019. The petitioner's name was found place in the promotion panel prepared as per the Letter No.045666/783/G31/G312/2019, dated 24.06.2019 and in which he stood as fourth person. But there is a delay in considering the promotion and the promotion was given to a person senior to the petitioner on 01.09.2019. Since the petitioner got retired on 30.06.2019 he did not get the benefit of the promotion.

4. Mr.G.Anandakumar, the learned counsel for the petitioner, submitted that the petitioner had challenged the earlier promotion panel itself by stating that he is going to retire shortly and hence the panel should include the name of the petitioner also considering the vacancies that might arise on 31.05.2019.

5. That cannot be a reason for considering the petitioner's promotion on notional basis. The promotion panel was prepared on



W.P.No.1948 of 2021

24.06.2019 however, in view of the administrative reasons, the promotion exercise was completed only on 01.09.2019. It is unfortunate that the petitioner had retired just three months prior to the date of issuance of promotion order. Unless the petitioner existed in service on the day when the promotion order was issued, he cannot claim that he is entitled to promotion.

6. The proposition of law is well settled that the promotion cannot be claimed as a matter of right. The petitioner neither disputed the seniority list nor stated that any person junior to him got promoted during his service. It would have been fine if the respondents have expedited the promotion exercise and promoted the persons senior to the petitioner and the petitioner before the retirement. But, even the respondents cannot be blamed that they have done anything with any ulterior motive. The petitioner is unfortunate that he got retired on the verge of the promotion order to be issued for the year 2019. Since the petitioner does not have any legal right, no relief can be granted to him as claimed.



W.P.No.1948 of 2021

7. In the result, this writ petition is dismissed. No costs.

WEB COPY

06.03.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case: Yes / No

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W.P.No.1948 of 2021

R.N.MANJULA ,J.

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W.P.No.1948 of 2021

06.03.2024