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W.P.No.25768 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25768 of 2022
and W.M.P.No.24825 of 2022

S.Kribhakaran

...Petitioner

-Vs-

Chennai Metro Rail Limited,
represented by its Managing Director,
Admin Building, Poonamallee High Road,
Koyambedu, Chennai – 600 107.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent to consider the claim of the petitioner for promotion to the post of Deputy General Manager (Operations) notionally from the date of 29.09.2016 with pay and allowances prospectively as per the result of DPC-16 dated 29.09.2016.

For Petitioner : Mr.V.Subramani

For Respondent : Mr.Kishore Balasubramanian

ORDER

This writ petition has been filed for direction directing the Respondent to consider the claim of the petitioner for promotion to the post of Deputy General Manager (Operations) notionally from the date of 29.09.2016 with pay and allowances prospectively as per the result of DPC-16 dated 29.09.2016.



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2. Heard the learned counsel on either side and perused the materials

available on record.

3. The petitioner is a qualified Engineer with vast experience working in railway industry across various countries. He had applied for the post of Deputy General Manager during the year 2012 before the respondent and Selection Committee opined that he was six months short of experience to the post of DGM (Operations). Therefore, the Selection Committee offered him to the post of Manager (Operations) with an oral assurance that once he completes six months, he will be considered for Deputy General Manager (Operations). Even till now, he is working as Manager (Operations) for over a period of ten years without any promotion to the post of DGM (Operations). The further case of the petitioner is that along with the petitioner, there are other persons who are holding the post of Manager (Operations) such as a Manager in charge of OCC/DCC and Train Operations in Chemistry graduate with MCA and was initially transferred from Automatic Fare Collection (AFC) Department where they had relevant qualification and experience. Without any reason, they were transferred to Operations Department and was initially asked to look after Revenue Portfolio but now, they are in charge of Operation Control Centre (OCC)/Depot Control Centre (DCC) and Train operations as well. While being



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so, the respondent formed Departmental Promotion Committee dated 29.09.2016 (herein after called as DPC-16), in which the petitioner was called for interview. However, the name of the petitioner was not considered for the post of General Manager (Operations).

4. A perusal of the counter filed by the respondent and submission made by the learned counsel for the respondent revealed that the promotion sought for by the petitioner is not a matter of right and it is subject to suitability and vacancy. Further, the petitioner had failed to satisfy that he has a legal right for promotion, that too merely based on the first level of interview he had attended. The selection process of the DPC-16 for promotion from the post of Manager to Deputy General Manager (DGM) cadre consists of multiple levels of evaluation. The personal interview of the candidate by the General Manager (Operations) is only one of the procedures of the evaluation process. The candidates who are selected in the interview will then qualify for the next level to evaluation. After first interview, there was no evaluation process for promotion.

5. In view of the above, the direction sought for in this writ petition cannot be considered and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently,



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connected Miscellaneous petition is closed. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn

To

The Managing Director,
Chennai Metro Rail Limited,
Admin Building, Poonamallee High Road,
Koyambedu, Chennai – 600 107.

G.K.ILANTHIRAIYAN. J.

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