



W.A.(MD)No.1288 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **19.02.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.A.(MD)No.1288 of 2016

G.Girija

: Appellant/Petitioner

Vs.

The General Manager,
Thanjavur District Cooperative Milk Producers
Union Limited,
Thanjavur.

: Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 27.07.2016 passed in W.P.(MD) No.12694 of 2016.

For Appellant : Mr.B.Prahalad Ravi

For Respondents : Mr.A.K.Manikkam
Spl. Govt. Pleader



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JUDGMENT

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(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been filed against the order, dated 27.07.2016 passed in W.P.(MD) No.12694 of 2016 by the Writ Court.

2. Heard the learned counsel appearing for the appellant/writ petitioner and the learned Special Government Pleader appearing for the respondent Union.

3. According the petitioner, she was appointed as a Milk Recorder Grade – II on 07.10.1987 in the respondent Union through employment exchange. The respondent ought to have promoted her to the post of Deputy Manager (Diary) considering her length of service. However, the same has not been considered. According to her, subsequent to her appointment, the respondent ought to have refixed her salary by considering her length of service and by considering Special Grade in Grade -I. However, the respondent illegally and unlawfully deprived her legitimate right without any valid reason. Further, she came to know that the respondent has conferred Special Grade in Grade - I Level by refixing the salary, apart from taking steps to give promotion



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to the similarly placed persons, who were appointed along with her, namely, Chandrasekaran and Kannan, without considering her candidature. Hence, she made a representation dated 18.12.2015 to the respondent requesting them to confer Special Grade in Grade I, besides promoting her to the post of Deputy Manager (Diary). Since the same was not considered, she filed a writ petition in W.P(MD)No.5254 of 2016 seeking a direction to the respondent to consider her representation. The Writ Court, vide order, dated 16.03.2016, directed the respondent to pass orders on her representation. Thereafter, the respondent passed the impugned order dated 17.05.2016 rejecting the petitioner's claim for re-fixation of salary conferring Special Grade and promotion to the post of Deputy Manager (Diary). Thereafter, the respondent has published the impugned notification dated 06.07.2016 calling for application to fill up the post of Deputy Manager (Diary). The petitioner requested the respondent in person to consider her case for promotion, however, the same was not considered. Hence, she filed the writ petition to quash the impugned order dated 17.05.2016 and consequential impugned advertisement dated 06.07.2016 published in the Daily Thanthi Newspaper dated 07.07.2016. In the said writ petition, she sought a direction to the respondent to re-fix her salary conferring special grade in Grade I in the post of Milk Recorder and promote her to the post of Deputy Manager (Diary).



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4. It was submitted before the Writ Court that juniors of the writ petitioner, namely, Chandrasekaran and Kannan, were given promotion before the writ petitioner. This Writ Court after verifying the fact that the said Chandrasekaran and Kannan are seniors to the writ petitioner, dismissed the writ petition. Challenging the same, the present writ appeal has been filed.

5. According to the respondent, the petitioner is not eligible to promote to the post of Deputy Manager (Diary) as she was appointed as Milk Recorder Grade – II and there is no promotional chance to the said post of Milk Recorder Grade – II. According to the respondent, now the petitioner has attained age of superannuation and hence, promotion cannot be given to her at this stage and there is no benefit given to her juniors as stated by her. Though the writ petitioner compared the said Chandrasekaran and Kannan as her juniors, they are the Junior Assistants while they were appointed.

6. We are of the view that the writ petitioner has not produced any materials to show that the said Milk Recorder Grade II is the promotional post and she is the senior to the said Chandrasekaran and Kannan. When the Writ Court questioned in this regard, proper reply has not been given. Hence, this



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Writ Court dismissed the petitioner's claim. In the absence of any material to show that the Milk Recorder Grade - II or any other feeder category persons are eligible for promotion of Deputy Manager (Diary), this Court is not inclined to interfere with the order of the Writ Court.

7. In the result, this Writ Appeal is dismissed. No costs.

[V.B.S.,J.] [K.K.R.K.,J.]

19.02.2024

skn

NCC : Yes/No

Index : Yes / No

Internet : Yes

To

The General Manager,
Thanjavur District Cooperative Milk Producers
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Thanjavur.



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