



W.P(MD)No.23399 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2024

CORAM :

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23399 of 2022

S.Maheshwari

... Petitioner

Vs

1. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

2. The Commissioner,
Madurai Corporation,
Madurai - 625 002.

3. The Assistant Commissioner (Service) (General),
Madurai Corporation,
Madurai - 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent in A1/MN2/06834/2018 dated 05.09.2022 and to quash the same as illegal and consequently direct the second respondent to promote the petitioner as Administrative Officer (A.O) before her retirement i.e. 31.05.2019 in the general section of the second respondent and to release



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the monetary benefits and other retirement benefits.

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For Petitioner : Mr. Sudalaiyandi.K,
For R1 : Mr.S.Shaji Bino
Special Government Pleader
For R2 & R3 : Mr.K.K.Kannan

ORDER

The instant writ petition has been filed by the Retired Office Assistant of the respondent Municipal Corporation seeking to quash the order dated 05.09.2022, wherein, the request of the petitioner for promotion to the post of Superintendent has been rejected.

2.A perusal of the typed set of papers indicate that the petitioner was initially appointed as Office Assistant on 09.08.1984 and she had attained superannuation on 31.05.2019 in the same cadre. According to the learned Counsel appearing for the petitioner as per the Government order, she should have been promoted as Assistant in the year 2008 itself. However, the petitioner was not promoted as Assistant. Therefore, she had to retire as Office Assistant on 31.05.2019. Had promotion being given to the petitioner, she would be retired as Office Superintendent.



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3.Records further indicate that the petitioner had retired on 31.05.2019 and after retirement, she has approached the authority in the year 2022 seeking promotion as superintendent. The writ petition has been filed on 10.10.2022.

4.A perusal of the impugned order indicates that till the date of retirement of the petitioner and none of the seniors were promoted. The impugned order further points out that the juniors were also not promoted till her retirement. Only after the retirement of the petitioner, the juniors were promoted.

5.Therefore, it is clear that till the date of retirement of the petitioner due to want of vacancy or due to other administrative reasons, no promotion was effected even to the candidates, who were placed senior to the petitioner in the seniority list. In such circumstances, there cannot be any grievance to the petitioner that she was not promoted to the post of Assistant or further promotion to Superintendent.



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6.Since this Court finds no merits in this writ petition, the same stands dismissed. No costs.

07.08.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No

LR

To

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Madurai - 625 002.

3. The Assistant Commissioner (Service) (General),
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R.VIJAYAKUMAR, J.

LR

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