



W.P.No. 16978 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.16978 of 2020

and

W.M.P.No.21069 of 2020

V. Thirumal

.. Petitioner

Versus

1. The Managing Director,
TASMAC Ltd.,
4th Floor, CMDA Tower,
Egmore, Chennai – 600 008.
2. The District Manager,
TASMAC Ltd.,
Thiruvallur East District,
Thiruvallur.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first Respondent in Ref.Se.Mu.Mu.Na.Ka.No.AAR/1/4169/2020 dated 17.09.2020 and quash the same and consequently direct the respondents to promote the petitioner to the post of sales man and pay the benefits for the above said post and pass orders.



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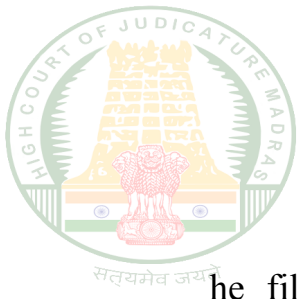
For Petitioner : Mr.D. Bharathy

For Respondents :Mr.K.Balakrishnan
Standing Counsel

ORDER

This petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the first Respondent in Ref.Se.Mu.Mu.Na.Ka.No.AAR/1/4169/2020 dated 17.09.2020 and quash the same and consequently direct the respondents to promote the petitioner to the post of sales man and pay the benefits for the above said post and pass orders.

2. The facts of the case is that the petitioner is a Assistant Sales man under the second respondent. At the time of his appointment he has paid Rs.15,000/- as caution deposit under the assurance made by the second respondent that he will be appointed in the post of sales man. It is pertinent to note that the said deposited amount was not given to him. The sum and substance of the case is that he is qualified for the post of salesman and the same was not granted to the petitioner. Thereafter, he made representation during the month of December 2017 to promote him to the post of sales man and the same was not considered. Subsequently



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he filed W.P.No.2920 of 2020 and the same was disposed of on 10.02.2020 directing the respondents to dispose the petitioner's representation. Pursuant to which the present impugned order came to be passed, wherein the request of the petitioner was rejected. Aggrieved over the same, the petitioner has come up with this petition.

3. The learned counsel for the petitioner submits that the first respondent have failed to consider that admittedly it is the mandatory duty of the respondent that once vacancy arise to the post of sales man it has to be filled up by the existing assistant sales man in which the petitioner is entitled to be promoted to the post of sales man. Hence, prays to allow this petition.

4. The learned standing counsel appearing for the second respondent filed a counter affidavit wherein it has been stated that the petitioner was initially appointed as Bar Assistant, when the bars were given to private persons the bar attenders were absorbed as Assistant, Bar Attender and thereafter the petitioner was appointed as Assistant Salesman, further there is no promotion avenues in the Tasmac. Therefore, the petitioner cannot be promoted as Saleman and prays to dismiss this petition.



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5. Heard both sides and perused the materials available on record.

6. On a perusal of the impugned order it was made clear that in the service rules the Tamil Nadu State Marketing Corporation, there is no provision with regard to regularization or promotion etc., from the post of Bar Attender to any other post like Assistant, Salesman Supervisor in the TASMAL. Therefore, in the absence of any such rules they cannot grant promotion to the petitioner. It is further stated that all the above said post are purely temporary. Hence, prays to dismiss this petition.

7. In view of the above facts, it is made clear that the contentions of the petitioner is devoid of merits and the same cannot be accepted by this Court. Hence, this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. Consequently the connected miscellaneous petition is closed. However, the petitioner is at liberty to apply for the post of sales man, if any vacancy arise in future.

26.02.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



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V.BHAVANI SUBBAROYAN, J.

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