

**(2014) 11 MAD CK 0557**

**Madras High Court**

**Case No:** Writ Appeal No. 1556 of 2012 and M.P. No. 1 of 2012

The Management, Salem District  
Co-operative Milk Producers  
Union Limited

APPELLANT

Vs

The Presiding Officer

RESPONDENT

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**Date of Decision:** Nov. 19, 2014

**Hon'ble Judges:** P.R. Shivakumar, J; N. Paul Vasantha Kumar, J

**Bench:** Division Bench

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### **Judgement**

N. Paul Vasantha Kumar, J.

Heard Mr.P.Narayanamoorthi, learned counsel appearing for the appellant and Mr.S.M.Subramani, learned counsel appearing for the second respondent.

2. This writ appeal is filed against the order of the learned single Judge made in W.P.No. 14140 of 2003 dated 20.01.2011, wherein the appellant Management has challenged the Award of the Labour Court, Salem in I.D.No. 189 of 1997 dated 04.3.2002.

3. The claim of the appellant before the Labour Court was that a member of the second respondent Union, namely one Sivashanmugam be promoted as Junior Engineer from 01.1.1987 and also be granted notional promoted with a direction to grant monetary benefits.

4. Brief facts, which are necessary for disposal of this writ appeal is that one Sivashanmugam, member of the second respondent Union was employed as an Electrician from 14.2.1983 and he was a holder of Diploma in Electrical Engineering and his services were regularised by the appellant Management with effect from 25.10.1983. When the appellant Management desired to make appointment to the post of Junior Engineer (Electrical), the said Sivashanmugam applied for the same on 14.6.1983, which was returned on 23.9.1983 stating that the said Sivashanmugam did not possess C-Licence. After obtaining C-Licence, the said Sivashanmugam again

submitted application on 9.1.1987 for the post of Junior Engineer, which was not considered by the appellant Management. After completion of ten years of service, the said Sivashanmugam on 14.5.1993, again applied for promotion to the post of Junior Engineer, which was also rejected by the appellant Management by order dated 09.9.1993 and thereafter, the appellant Management re-designated the said Sivashanmugam from the post of Electrician as Technical Assistant by order dated 22.3.1995 and granted Selection Grade on completion of ten years of service and designated as Selection Grade Technical Assistant with effect from 24.11.1993 and he was retired from service in the month of May, 2014 as Special Grade Technical Assistant.

5. The rule for which selection has to be made for the post of Junior Engineer is admittedly based on the interview and selection. In this case, merely because the said Sivashanmugam submitted an application only on 9.1.1987, he cannot claim that he should be selected for the post of Junior Engineer.

6. The Labour Court as well as the learned single Judge have taken note of the promotion given to one Subramaniam in the year 1983. The promotion given to the said Subramaniam was not challenged and the post being the selection post, the said Sivashanmugam has no vested right to claim promotion as a matter of right. The said position is admitted by the learned counsel appearing for the second respondent Union.

7. In such view of the matter, we are unable to uphold the order of the learned single Judge, confirming the Award of the Labour Court, Salem made in I.D.No. 189 of 1997, dated 4.3.2002. Hence, the writ appeal is allowed. No costs. Consequently, M.P.No. 1 of 2012 is closed.