

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.7075 and 7076 of 2014

P.Madhaiyan

...Petitioner
in W.P.No.7075 of 2014

M.Mahendiran

...Petitioner
in W.P.No.7076 of 2014

Vs.

1.The Director of Sugar Mills,
690, Anna Salai,
Nandanam, Chennai-600 035.

2.The District Revenue Officer/Administrator,
Subramania Siva Co-operative Sugar Mills,
Gopalapuram-636 901.
Dharmapuri.

... Respondents
in both W.Ps.

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner based on the recommendation of the 2nd respondent in Na.Ka.No.3793/94/E2 dated 09.03.2009 and proceeding of the 1st respondent in R.C.No.5019/SL2/2012 dated 10.04.2012.

For Petitioner : Mr.M.Selvam
in both W.Ps.

For Respondents : Mrs.K.Bhuvaneswari (for R1)
in both W.Ps. Government Advocate

Mr.R.Bala Ramesh (for R2)

COMMON ORDER

The relief sought for in this writ petition is to direct the respondents to promote the petitioners pursuant to the recommendation of the second respondent in proceedings dated 09.03.2009 and proceedings of the first respondent dated 10.04.2012.

2.The learned counsel appearing for the writ petitioners made a submission that the writ petitioners are now working as Clerk-IV and eligible for promotion to the higher post of Clerk-III. In this regard, the Director of Sugar Mills, Chennai, issued a communication to the Administrator, Subramania Siva Co-operative Sugar Mills, Gopalapuram, in proceedings R.C.No.5019/SL2/2012 dated 10.04.2012, stating that the request for promotion will be considered as and when the vacancies arise in the Sugar Mills. The learned counsel for the writ petitioners states that, now that the vacancies are available in the Sugar Mills, the respondents are not considering the case of the writ petitioners. Thus, the petitioners have come before this Court with this writ petition for a direction.

3.Promotion can never be claimed as a matter of right. Consideration for promotion is fundamental right. All promotions are to be made by adhering the rules relating to preparation of panel and promotion. All eligible and qualified persons aspiring and waiting for promotion to be considered for inclusion in the approval list and thereafter by following the principles and the rules in force, the competent authority has to grant promotion to the eligible persons. All promotions granted must be in accordance with rules and the competent authorities cannot deviate.

4.Thus, without going into the merits of the matter, the second respondent is directed to consider the representation submitted by the writ petitioners on 05.02.2011 and 03.05.2011 and pass orders on merit and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. The writ petitioners are directed to enclose a copy of the representations along with the order copy of this writ petition.

5.Accordingly, the writ petitions are disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

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To

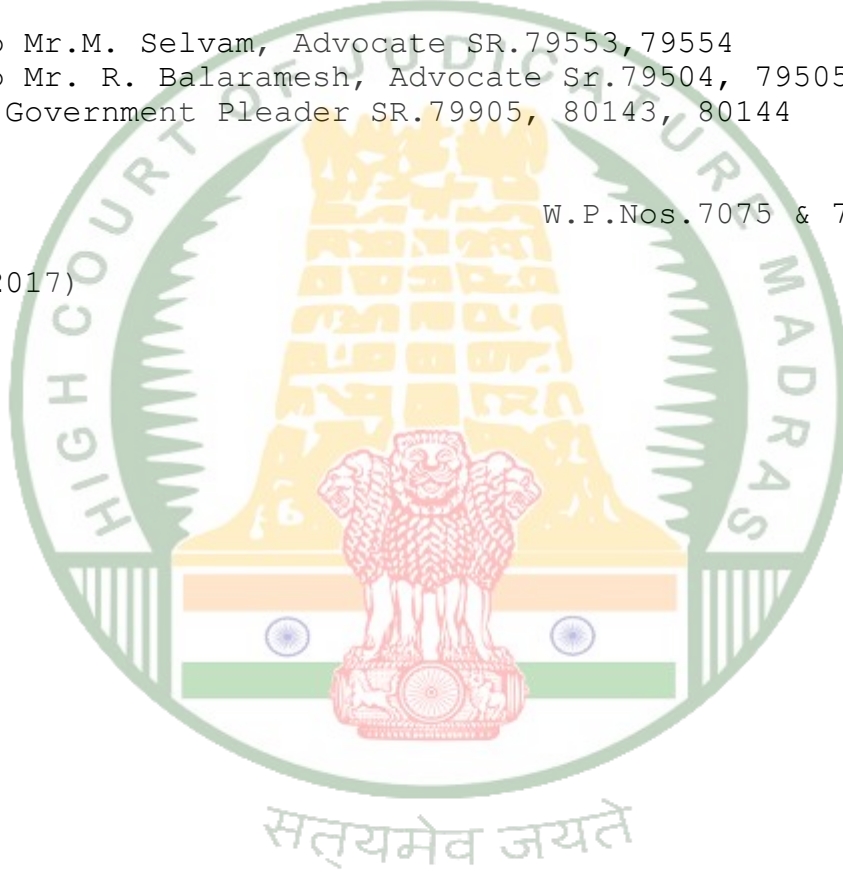
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+ 2 ccs to Mr.M. Selvam, Advocate SR.79553,79554
+ 2 ccs to Mr. R. Balaramesh, Advocate Sr.79504, 79505
+ cc to Government Pleader SR.79905, 80143, 80144

W.P.Nos.7075 & 7076 of 2014

AD(CO)
EU(28/11/2017)



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