

In the High Court of Judicature at Madras

Dated : 04.07.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.12082 of 2017 &
W.M.P.No.12923 of 2017

P. Dillibai

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Director of Pension,
DMS Complex, Teynampet,
Chennai 600 006.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings issued by the second respondent in Rc. No. 25575/2016/ A1 dated 31/03/2017 and to quash the same and consequently direct the respondent to promote the petitioner to the post of Assistant Treasury Officer/ Senior Superintendent absorbed from the Department of Deputy Director of Social Security as per G.O.Ms.No.531 Finance (Pension) Department dated 28/06/1994, with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.S.Gunasekaran
Additional Government Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. Promotion can never be claimed as a matter of right, but consideration for promotion is a fundamental right. With this legal principle, the case on hand is examined and the writ petitioner seeks promotion to the post of Assistant Treasury Officer, merely on the ground that he is fully qualified to hold the post and he is entitled for the same.

3. Heard the learned counsel for the writ petitioner and the learned counsel appearing for the respondents.

4. No Government employee can claim promotion as a matter of right. In this case, the service conditions are not violated. For instance, if any one of the juniors to the writ petitioner was promoted or the procedure regarding the preparation of seniority or panel is violated, certainly a cause will arise to the petitioner, but not otherwise.

5. The order challenged in this writ petition is unambiguous that the promotions will be considered as and when the vacancy arises in future on the basis of the seniority, subject to fulfilling the requirement. Thus the stand informed by the learned counsel for the respondents are in accordance with the rules, and there is no infirmity in the impugned order. Accordingly, this Court is not inclined to entertain the writ petition and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

jer

To

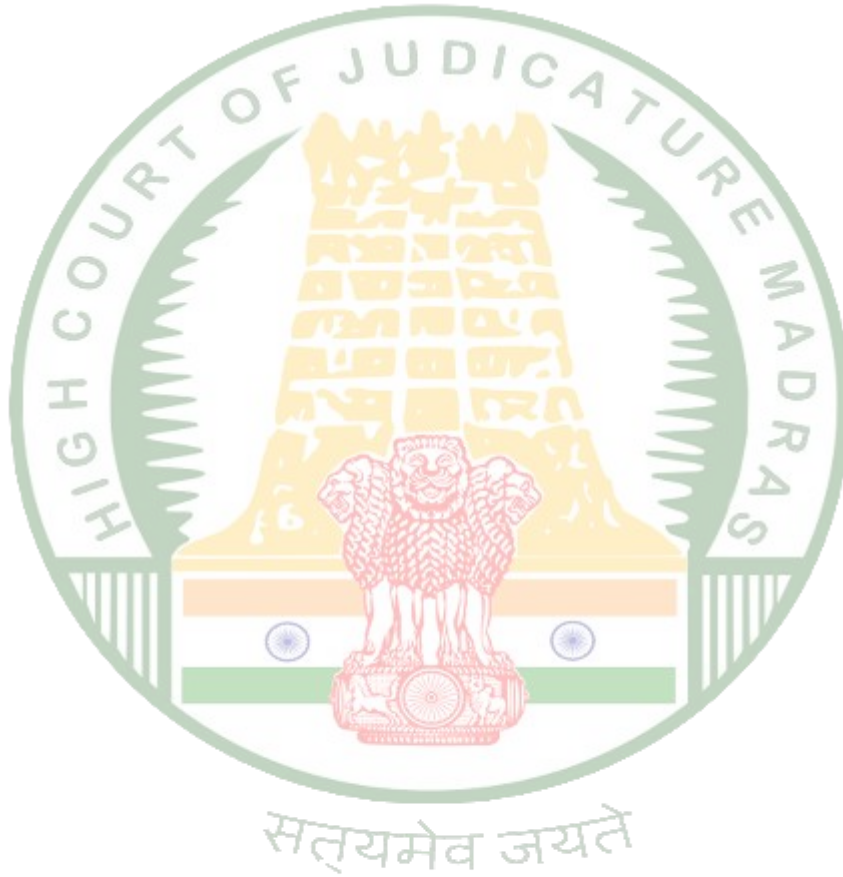
1. The Principal Secretary to Government,
The State of Tamil Nadu,
Finance Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Director of Pension,
DMS Complex, Teynampet,
Chennai 600 006.

+1 cc to M/s.G.Sankaran Advocate sr 46520
+1 cc to the Government Pleader sr46913

Writ Petition No.12082 of 2017

gmi (co)
aa07/08/2017



WEB COPY