

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM

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

W.P.No.7446 of 2012

and

M.P.No.2 of 2012

J.Dharamasamy

... Petitioner  
Vs

The Superintending Engineer  
Cuddalore Electricity Distribution Circle  
TANGIDCO  
Kappur Malai, Caddlore 4.

.. Respondent

PRAYER: Writ Petitions filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to promote from the post of Commercial Inspector to Foreman Grade-I.

For Petitioner : Mr.B.Manoharan  
For Respondent : Mr.M.Fakkir Mohideen

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to promote the petitioner from the post of Commercial Inspector to Foreman Grade-I.

2. Promotion can never be claimed as a matter of right. Consideration for promotion is a fundamental right. Fine distinguishable line has to be drawn between 'consideration' and 'grant' of promotion. The person who is eligible for promotion has to be considered in accordance with Rules. However, no employee can straight way seek a direction for promotion and they are bound to establish their consideration on right for promotion if violated, in accordance with Rules. In the event of claiming a promotion, an employee has to establish that his immediate junior was promoted and he has been denied with it.

3. Contrarily, in the present case on hand, the learned counsel for the writ petitioner made a submission that already the writ petitioner has preferred an appeal before the Chief Engineer and he has passed an order in proceedings dated 20.02.2012.

4. On a perusal of the order passed by the Chief Engineer, it has been declared by the Chief Engineer to correct the seniority, if there is any error in respect of the consideration of the writ petitioner.

5. However, no steps are taken to verify the service records of the writ petitioner in this regard. Thus, without going into the merits, the respondent is directed to consider the representation submitted by the writ petitioner in this regard, on the basis of the order passed by the Chief Engineer in proceedings dated 20.02.2012 and take a decision and pass order on merits in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to submit a fresh representation along with a copy of the earlier representation including the order passed in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dna

To

The Superintending Engineer  
Cuddalore Electricity Distribution Circle  
TANGIDCO  
Kappur Malai, Caddlore 4.

+1cc to Mr.B.MANOCHARAN Advocate, S.R.No. 74084

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KJI (CO)  
TR(06/12/2017)