

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10757 of 2013

S.Mathivanan

.. Petitioner

..Vs..

1.The Principal Secretary to Government,
Social Welfare Nutritious Meal Programme,
(SW-1) Department,
Secretariat,
Chennai-600 009.

2.The Director of Social Welfare,
Chennai-600 002.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent herein to notionally promote the petitioner as Administrative Officer for the year 2010-2011 with effect from 27.7.2012 and consequently direct the respondents herein to revise the petitioner's pensionary benefits as Administrative Officer with all consequential service and monetary benefits.

For Petitioner : Mr.Ravi Shanmugam

For Respondents : Mrs.A.Shrijayanthi,
Special Government Pleader.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to notionally promote the writ petitioner as Administrative Officer for the year 2010-2011 with effect from 27.7.2012 and consequently, direct the respondents to revise the petitioner's pensionary benefits as Administrative Officer with all consequential service and monetary benefits.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission that Panel for all the eligible persons fit for promotion to the post of Administrative Officer

was prepared and published in the proceedings dated 27.7.2012. The writ petitioner was allowed to retire from service on 31.7.2012 on attaining the age of superannuation. Promotion to the juniors of the writ petitioner was granted on 6.8.2012. Therefore, the writ petitioner is also entitled for promotion to the post of Administrative Officer on par with his immediate junior.

3. The learned Special Government Pleader, appearing on behalf of the respondents, opposed the said contentions of the learned counsel for the writ petitioner, by stating that as on date of promotion, the writ petitioner was not in service and he retired from service. Thus, the case of the writ petitioner was rightly not considered by the competent authorities.

4. This Court is of an opinion that the promotion can never be claimed as a matter of right. However, consideration of promotion is a fundamental right of an employee. All eligible persons longing for promotion are to be considered and the preparation of panel should be in accordance with the procedures contemplated under the Rules. Panel was prepared on 27.7.2012. However, the writ petitioner was allowed to retire from service on 31.7.2012. The actual promotion was given to the juniors of the writ petitioner only in proceedings dated 6.8.2012 and as on the date of the promotion of the juniors, the writ petitioner was not in service i.e., he was allowed to retire from service on 31.7.2012 itself.

5. This being the factum of the case, there is no irregularity in the procedures followed by the respondents and therefore, the relief, as such, sought for in the present writ petition cannot be granted.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS-VI)

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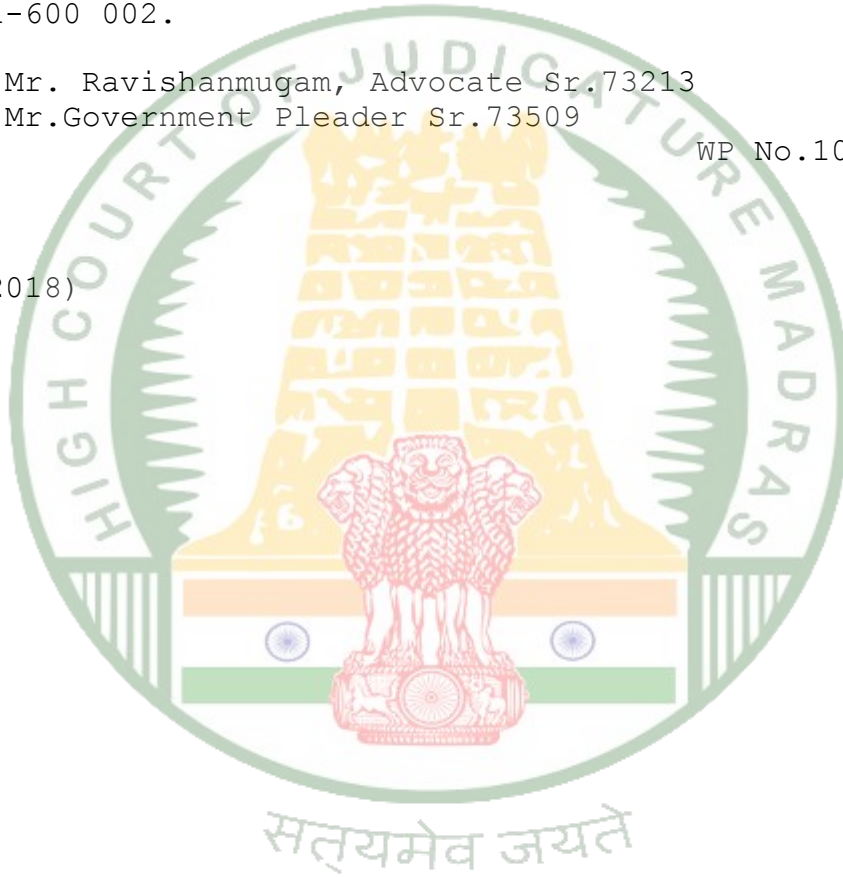
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Secretariat,
Chennai-600 009.

2.The Director of Social Welfare,
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+ 1 cc to Mr. Ravishanmugam, Advocate Sr.73213
+ 1 cc to Mr.Government Pleader Sr.73509

WP No.10757 of 2013

MG(CO)
EU(09/11/2018)



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