

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.09.2018

CORAM

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

W.P.No.2507 of 2013 &
W.M.P.No.1 & 2 of 2013

S.Selvaraj

..Petitioner

vs.

1. The Government of Tamil Nadu,
Rep.by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Director of Town Panchayat,
Kuralagam, Chennai - 600 003.
3. The Assistant Director of
Town Panchayat, Erode region, Erode.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the case of the petitioner and provide promotional avenues for the post of Electrician Grade II to the post of Junior Assistant, Assistant etc., under the control of the respondents and then post the petitioner as Junior Assistant and then consider the petition for promotion to the post of Assistant with all service benefits.

For Petitioner : Mr.R.Saseetharan

For Respondents : M/s. A.Shrijayanthi

Special Government Pleader

ORDER

The relief sought for in this writ petition is a direction to direct the respondents to consider the case of the petitioner and provide promotional avenues for the post of Electrician Grade II to the post of Junior Assistant, Assistant etc., under the control of the respondents and then post the petitioner as Junior Assistant and then consider the petition for promotion to the post of Assistant with all service benefits.

2. The writ petitioner is now working as Electrician grade-II. The grievances of the writ petitioner is that there is no promotional avenues in respect of the pays of Electrician grade-II and the writ petitioner is working in the same cadre for more than 29 years.

3. Stagnation in certain cadres are inevitable on account of certain administrative reasons. Whenever, there is no avenue of promotion, the Pay Commission recommended to provide selection grade / special grade on completion of 10 years and 20 years of services respectively. In other cases, appointment by way of transfer of services are provided for certain posts in the event of claiming any such posts in public services, the petitioner must undergo the process of selection in accordance with the rules in force. Creating promotional avenue is the policy decision to be taken by the competent authorities and this Court could not direct the Government to formulate of policy in respect of grant of promotion for a particular cadre or post. However, in the event of creating promotional avenues, the case of the writ petitioner also shall be considered along with all further eligible candidates.

4. Thus, the relief as such sought for in this writ petition cannot be considered in view of the fact that the policy in respect of the promotions to be formulated by the competent authorities cannot be granted. Accordingly, writ petition stands dismissed. However, there shall be no order as to costs.
pns/sk

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Government of Tamil Nadu,
Rep.by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Director of Town Panchayat,
Kuralagam, Chennai - 600 003.
3. The Assistant Director of
Municipal Administration, Town Panchayat,
Erode region, Erode.

+lcc to Mr.R.Saseetharan, Advocate S.R.No.67216
+lcc to the Government Pleader, S.R.No.67435

KR/16/10/18

W.P.No.2507 of 2013



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