



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.3290 of 2013

WEB COPY

M.Vijayakumar

..Petitioner

vs

1.The District Collector,
Namakkal District.

2.The Assistant Director of Town Panchayat,
Salem Zone, Salem.

3.The Executive Officer,
Velur Town Panchayat,
Namakkal District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider and promote the petitioner as Sanitary Supervisor in the Velur Town Panchayat from and out of the seniority list of non provincialised staff circulated vide proceedings dt 30.11.2012.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.R.S.Selvam, GA

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to consider and promote the petitioner as Sanitary Supervisor in the Velur Town Panchayat from and out of the seniority list of non provincialised staff circulated vide proceedings dt 30.11.2012.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner is fully eligible and qualified for promotion to the post of Sanitary Supervisor. The respondents prepared a panel of eligible candidates for the Post of Sanitary Supervisor in proceedings dated 30.11.2012. However, no promotions are granted to the eligible candidates as per the seniority and the panel published. Thus, the writ petitioner is constrained to move the present writ petition.



3. Promotions can never be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. Whenever a panel for promotion is prepared, then all the eligible persons are considered for the inclusion of the names in the panel. Admittedly, the name of the writ petitioner was included in the panel already published on 30.11.2012 and his name is placed in Serial No.16. However, the administration has taken a decision, not to grant promotion as per the panel.

4. This being the administrative decision, the same cannot be questioned by the writ petitioner. Only in the event of granting promotion to the Junior, the same can be challenged by the petitioner. However, admittedly, the panel had not been acted upon. Thus, in the event of preparing a fresh panel, the case of the writ petitioner also shall be considered along with all other eligible candidates, who all are waiting for the post of Sanitary Supervisor.

5. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District.

2. The Assistant Director of Town Panchayat,
Salem Zone, Salem.

3. The Executive Officer,
Velur Town Panchayat,
Namakkal District.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.74019

+1cc to the Government Pleader, S.R.No.73928

W.P.No.3290 of 2013

RSI (CO)

rrs 20/11/2018