

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10872 of 2018

B.Thirumurthy

... Petitioner

Vs.

Commissioner,
Erode City Municipal Corporation,
Erode.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondent to consider the representation of the petitioner dated 26.02.2018 and pass orders on the same within such time as may be fixed by this Court.

For Petitioner : Mr.P.Srinivas

For Respondent : Mr.M.Rajamadhivanan

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to consider the representation submitted by the writ petitioner on 26.02.2018.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is holding the post of Junior Engineer (in charge) from the year 2012 onwards. Though he is fully qualified for further promotion, the case of the writ petitioner has not been considered and he is allowed to continue as Junior Engineer (in charge) for the past about five years.

3. Promotion can never be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. Whenever the process of preparation of panel is undertaken by the Competent Authority, then the cases of all the eligible and qualified persons ought to be considered for inclusion in the panel and for promotion. However, to fill up the posts, administrative decision is required to be taken by the Competent Authority and in the event of taking such a decision to fill up the posts of Junior Engineer on regular basis and at the time of preparation of panel, the names of all

the qualified persons including the petitioner has to be considered for inclusion as per the rules in force.

4. This being the principles to be followed at the time of undertaking the process of preparation of panel and promotion and there is no reason to issue any direction in this writ petition as such sought for by the writ petitioner.

With these observations, this writ petition is dismissed. However, there shall be no order as to costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

abr/lok

To

The Commissioner,
Erode City Municipal Corporation,
Erode.

+1 CC to Mr.M.Rajamadhivanan, Advocate sr 31512.

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SP(14/05/2018)

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