

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5000 of 2013

S.Selvaraj ... Petitioner

vs.

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply
Department,
fort. St.George, Secretariat,,
Chennai - 600 009.

2. The Director of Town Panchayat,
Kuralagam, Chennai - 600 005.

3. The Assistant Director of Town Panchayat,
Erode Zone, Erode. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the respondents here to dispose of the representation of the petitioner for promotion from grade II to grade I and revision and re-fixation of scale of pay as per G.O.Ms.No.762 Finance (PAY CELL) department dated 20.08.1986 and G.O.Ms.No.123 Municipal Administration and Water Supply Department dated 28.02.2011.

For Petitioner : M/s. A.Edwin Prabakar

For Respondents 1- 3 : Mrs. A.Shrijayanthy
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to dispose of the representation submitted by the writ petitioner for promotion from Grade-II to Grade-I and revise the scale of pay as per G.O.Ms.No.762 Finance (PAY CELL) department dated 20.08.1986 and G.O.Ms.No.123 Municipal Administration and Water Supply Department dated 28.02.2011.

2. The grievances of the writ petitioner is that, he is stagnated in the post of Grade-II Electrician for the past about 23 years and therefore, the promotions granted to other similarly placed persons in other Town Panchayats are to extended to the writ petitioner. The learned counsel for the writ petitioner states that the Government issued G.O.No.123 dated 28.02.2011 granting the benefit of promotion in respect of other Town Panchayats. Thus, the same benefit is to be extended to the writ petitioner also.

3. The learned Special Government Pleader objected the contentions by stating that, promotions are

to be given in accordance with the seniority and as per the vacancy position. The promotions are to be granted as per the Rules in force and by preparing the panel by considering all the eligible persons who all are longing to get promotions.

4.This Court is of an opinion that, promotions per se cannot be claimed as a legal right. However, consideration for promotion is a fundamental right. Whenever the Competent Authority undertaken the process of promotion to the higher post, then all the eligible persons who are waiting for promotion to be considered for the purpose of inclusion of their names in the panel.

5. Thus, whenever the decision taken by the Competent Authorities to fill up the higher post of Grade-I Electrician, then the case of the writ petitioner also shall be considered along with all other eligible candidates by following the Rules in force.

6. In view of this fact, the case of the writ petitioner shall be considered whenever the process of promotion is undertaken by the Competent Authorities. With these observations the writ petition stands disposed of. No Costs.

25.10.2018

Index : Yes

Internet: Yes

Speaking Order

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S.M.SUBRAMANIAM.J

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To

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