

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4842 of 2015
and
M.P.No.1 of 2015

M.Thimmarayappa

... Petitioner

vs.

1. The Director of Animal Husbandry
and Veterinary Service,
DMS Buildings,
Teynampet, Chennai - 600 006.

2. The Regional Joint Director of Animal Husbandry,
Bangalore Road, Krishnagiri,
Krishnagiri District.

3. The Deputy director,
Department of Animal Husbandry Maintenance,
District Live Stock Farm,
Maddhigir, Hosur, Krishnagiri.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the respondents 1 to 3 to consider petitioner's representation dated 20.12.2014 and 04.02.2015 and promote him to the post Maistry with effect from the date his immediate juniors were promoted to the post of Maistry from the post of Assistant.

For Petitioner : M/s.L.Muniswamy

For Respondents 1- 3 : Mr. R.S. Selvam
Government Advocate.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 3 to consider the representations dated 20.12.2014 and 04.02.2015 and promote him to the post of Maistry with effect from the date of his

immediate juniors were promoted to the post of Maistry from the post of Assistant.

2. 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 Authorities all the eligible employees ought to be considered for promotion to the higher post. In the present case on hand, the very relief sought for is to direct the respondents to consider the representation.

3. The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that, the case of the writ petitioner would be considered as per his seniority and at the time of preparation of the panel for promotion to the post of Maistry. The writ petitioner has not established that juniors had already been promoted, in such case, the petitioner should challenge the order of promotion granted to such juniors.

4. Contrarily, he cannot seek the direction to consider the representation for the purpose of grant of promotion. All the promotion are to be made strictly in accordance with Rules in force and as per the seniority. This being the principles to be followed the case of the writ petitioner shall be considered as per his seniority and based on the Rules in force.

5. With these observations the writ petition stands disposed of. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

pkn

To

1. The Director of Animal Husbandry
and Veterinary Service,
DMS Buildings,
Teynampet, Chennai - 600 006.

WEB COPY

2. The Regional Joint Director of Animal Husbandry,
Bangalore Road, Krishnagiri,
Krishnagiri District.

3. The Deputy director,
Department of Animal Husbandry Maintenance,
District Live Stock Farm,
Maddhigir, Hosur, Krishnagiri.

+1cc to M/S.L.Munisamy, Advocate Sr.72591

+1cc to the Government Pleader Sr.73072

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kj[co]
srg 19/11/2018



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