

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11254 of 2018

N.Krishnamoorthy

... Petitioner

Versus

1.The Chief Director,
Highways Department,
Guindy, Chennai - 600 025.

2.The Chief Engineer,
Highways Department,
Chepauk, Chennai - 600 005.

3.The Divisional Engineer,
Highways Department,
Vaniampadi, Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 3rd respondent to consider the representation dated 27.12.2017 made by the petitioner for the post of 2nd Grade Inspector.

For Petitioner :: Mr.E.C.Ramesh

For Respondents :: Mr.D.Venktachalam,
Additional Government Pleader

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is to direct the third respondent to consider the representation dated 27.12.2017 made by the petitioner for the post of Grade-II Inspector.

2.Admittedly, no panel for promotion has been published. Promotions are to be granted only after the preparation of an approved panel, by considering all the qualified and eligible persons as per the Rules in force. Promotion can never be claimed as a matter of right. However, consideration for promotion is a right for an employee. Thus, all the qualified and eligible persons aspiring for promotions are to be considered at the time of preparation of panel and this Court

cannot issue any direction for the purpose of the preparation of the panel and such a decision is to be taken by the Competent Authorities on the administrative side.

3.Preparation of panel is a policy decision to be taken and the employees cannot have any right over the decision regarding the preparation of panel. Only at the time of preparation of panel for promotion all the eligible and qualified employees are to be considered. This being the principles to be followed. The writ petition filed seeking direction to consider the representation cannot be granted. The writ petitioner by seeking such a prayer cannot create a cause of action for the purpose of considering his name and the relief as such sought for is misconceived, as of now no panel has been prepared. Thus, the writ petitioner has not established even a Semblance of Right for the purpose of considering the prayer as such sought for in this writ petition.

4.Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registra

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To

1.The Chief Director,
Highways Department,
Guindy, Chennai - 600 025.

2.The Chief Engineer,
Highways Department,
Chepauk, Chennai - 600 005.

3.The Divisional Engineer,
Highways Department,
Vaniampadi, Vellore District.

+1 CC to Mr.E.C. Ramesh, Advocate sr 32180
+1 CC to Govt. Pleader sr 32846.

W.P.No.11254 of 2018

SP(21/05/2018)