

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.24025 of 2018

R.Muthukumar

....Petitioner

Vs

1. The State of Tamil Nadu rep. by its
Secretary, Personnel and Administrative
Reforms (Per.S) Department,
Fort.St.George, Chennai-9
2. The Secretary,
Finance (Per.S) Department,
Fort.St.George, Chennai-9
3. The Director of Local Fund Audit,
Kuralagam, Chennai-108 .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to pass appropriate as per the representation dated 03.08.2018, seeking consideration of the claim of the petitioner for appointment / promotion to the post of Head of Department, Chief Auditor and Chief Internal Auditor of Statutory Boards as per Government Orders on merits and within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mrs.R.Janaki,
Additional Government Pleader

ORDER

The grievance of the petitioner in this writ petition is that though he is qualified to be promoted to the post of the Head of the Department (Local Fund Audit), which according to the petitioner has fallen vacant on 01.09.2018, but the Authority is purposefully not filling up such post and as such the petitioner apprehends that the same is with an ulterior motive to

disentitle the petitioner to be considered for promotion though being the senior most officer, who is also qualified in all respects, as per the Government orders governing the promotion to the said post. In this regard, he has made a representation, which is pending to be disposed of. Hence, the petitioner came to file the writ petition seeking a direction to the Authority to consider his representation for promotion.

2. Needless to say that the promotion to the post is not a fundamental right but to be considered for promotion is a fundamental right. Therefore, this Court is of the view that such representation filed by the petitioner is without any substance and this Court is not inclined to issue any mandate to the respondents to consider such representation of the petitioner. However it is made clear that whenever any promotion is taken up, the same shall be taken up in accordance with the Government orders and the Rules to be followed in this regard. It is further clarified that the persons who have no qualification on 01.09.2018, when the said post has fallen vacant, should not be included in the panel, if the same is not permissible.

3. With the aforesaid observation, the writ petition stands dismissed. No costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu,
Personnel and Administrative
Reforms (Per.S) Department,
Fort.St.George, Chennai-9
2. The Secretary,
Finance (Per.S) Department,
Fort.St.George, Chennai-9
3. The Director of Local Fund Audit,
Kuralagam, Chennai-108

+1 CC TO GOVERNMENT PLEADER SR.NO. 65573

W.P.No.24025 of 2018

ASK(10/10/2018)