

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3004 of 2018
and WMP.No.3708 of 2018

Y.Haripriya

...Petitioner

vs

- 1.The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai 3.
- 2.The Assistant Commissioner,
(General Administration and Personnel)
General Department,
Greater Chennai Corporation,
Amma Maligai,
Chennai 3.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the representation dated 24.10.2017 of the petitioner and promote her as Junior Engineer (Civil) in any one of the existing vacancies as per the Chennai Corporation Engineering Service - Revised Bye-Laws, 2009 in the Greater Chennai Corporation.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.R.Arunmozhi

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to consider the representation dated 24.10.2017 of the petitioner and promote her as Junior Engineer (Civil) in anyone of the existing vacancies as per the Chennai Corporation Engineering Service - Revised Bye-Laws, 2009.

2.Mere eligibility for promotion of an employee would not confer any right to claim promotion. Promotion can never be claimed as a matter of legal rights. However, consideration for promotion is a right of all employees. Thus, whenever the process or preparation of panel is undertaken by the Competent Authorities, all eligible employees, who all are aspiring to secure promotion are to be considered for inclusion and accordingly, promotions are to be granted strictly in accordance with the promotion rules and other relevant regulations or orders.

3.This being the principles to be followed, mere representation will not confer any right on the writ petitioner to claim promotion and the promotions are to be provided only in accordance with rules and for filling up the posts, administrative decision is to be taken by the Competent Authority.

4.In this view of the matter, the relief as such sought for in the present writ petition cannot be granted. Even for issuing a direction to consider the representation, it is a pre-condition that the writ petitioner should establish his legal rights.

5.With reference to the facts of the case on hand, the writ petitioner has not established even a semblance of his legal rights so as to consider the relief.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vkr/mkn

To

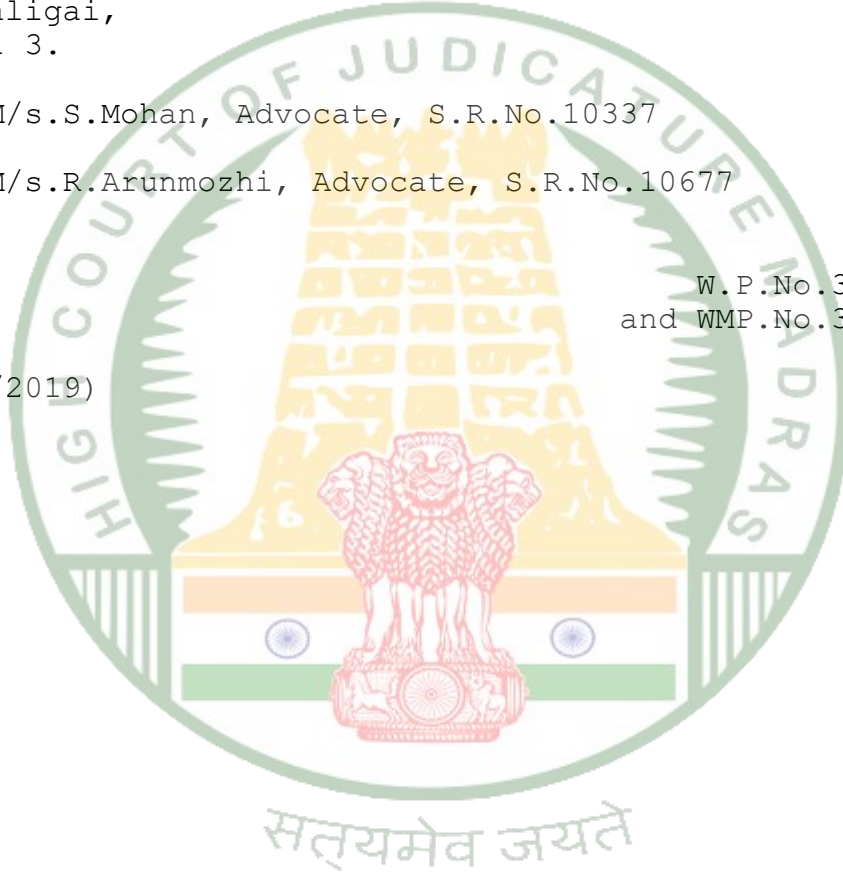
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+1 cc to M/s.S.Mohan, Advocate, S.R.No.10337

+1 cc to M/s.R.Arunmozhi, Advocate, S.R.No.10677

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PPA(CO)
SSM(28/02/2019)



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