

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.01.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.29001 of 2005

B.Chidambaram Pillai

...Petitioner

Vs

- 1.State of Tamil Nadu rep. by the
Secretary to Government
Animal Husbandry & Fisheries Department
Fort St. George, Chennai - 9.
2. The Director of Fisheries
DMS Compound
Tynampet
Chennai - 600 006.
3. R.Panneerselvam, S/o.N.Rajagopal,
Inspector of Fisheries,
Office of the Director of Fisheries,
Teynampet, Chennai - 6.
4. A.Milton Fernando, S/o. Andrew Xavier,
Inspector of Fisheries,
Office of the Assistant Director of fisheries (Fishing
Harbour) Thoothukudi
5. M. Naseerullah, S/o. Md.Tahesrullah,
Inspector of Fisheries,
Office of the Principal Staff,
Staff Training Institute,
R.K.Mutt Road, Chennai - 600 028.
6. Mrs. Rajeshwari Balasubramanian,
W/o. Balasubramanian
Research Assistant,
Office of the Assistant Director of Fisheries,
(Research),
Chetpet, Chennai - 600 010.
7. V.Ananchiammal @ sundari
W/o. S.Baskaran,
Research Assistant,
Office of the Assistant Director of Fisheries,
(Research)
Chetpet, Chennai - 600 010.

...Respondents

(R3 to R7 impleaded as per order dated 14.12.2007
in W.P.M.P.No. 36287 of 2005 in W.P.No. 29001 of 2005)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Assistant Director of Fisheries with effect from 06.05.2005 in par with the juniors.

For Petitioner : Mr. M.Muthappan

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate for R1 & R2

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to promote the petitioner as Assistant Director of Fisheries with effect from 06.05.2005 on par with the juniors.

2.Promotions as such can never be claimed as a matter of right. However, consideration for promotion is a fundamental right of the employees. All the eligible employees, who all are waiting for promotion are to be considered at the time of preparation of panel. The promotions are to be granted strictly in accordance with the rules in force by considering the names of all the eligible persons in the order of seniority and by considering the eligibility criteria.

3.The learned counsel for the writ petitioner states that the petitioner is fully eligible and qualified for the promotion to the Post of Assistant Director of Fisheries. However, the respondents had not prepared the Interse seniority list and in view of the fact that no interse seniority list was available, the promotional opportunity to the writ petitioner had been denied.

4.In view of the said submission, this Court is of an opinion that the respondents have to consider the representations submitted by the writ petitioner. Thus, without going into the merits of the matter, the 2nd respondent is directed consider the representations submitted by the writ petitioner on 08.05.2005 and on 24.06.2005 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and the documents if any, along with the order passed in this writ petition.

5. Accordingly, the writ petition stands disposed of.
However, there shall be no order as to costs.

Sd/--
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

kak/kmm

To

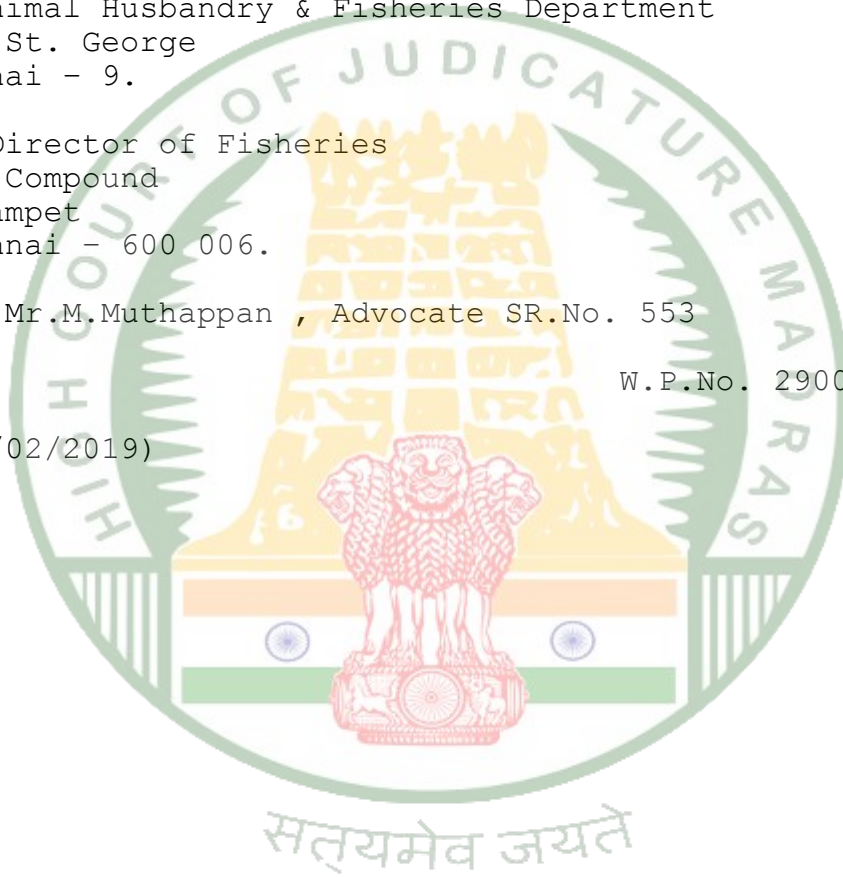
1. The Animal Husbandry & Fisheries Department
Fort St. George
Chennai - 9.

2. The Director of Fisheries
DMS Compound
Tynampet
Chennai - 600 006.

+1cc to Mr. M. Muthappan, Advocate SR.No. 553

W.P.No. 29001 of 2005

A.SK (20/02/2019)



WEB COPY