IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19-02-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3594 of 2019
And
W.M.P.No.3939 of 2019

1.A.Kanagamuthu
2.C.Kesavan
3.S.Sharmila .. Petitioners

- Vs. -

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Director of Town Panchayats,
Kuralagam,
Chennai-600 104.

3.The District Collector,
Pudukottai District,
Pudukottai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the repsondents to pass orders for granting promotion to the post of Junior Assistant/ Bill Collector in favour of the petitioners with retrospective effect from the relevant panel year or from the date of approval of panel by the District Selection Committee of Pudukottai District as per G.O.Ms. No.150, Municipal Administration and Water Supply Department, dated 19.8.1998 on notional basis with consequential and other attendant benefits, by considering the representation submitted by the petitioners dated 8.12.2014.

For Petitioners : Mr.S.Nedunchezhiyan

For Respondents : Mr.D.Suriya Narayanan,
Additional Government Pleader.

https://hcservices.ecourts.gov.in/hcservices/

O R D E R

The grievances of the writ petitioners are that they are working as Sanitary Workers and they are entitled to get promotion to the post of Junior Assistant/Bill Collector with reference to G.O.Ms.No.150, Municipal Administration and Water Supply Department, dated 19.8.1998.

2. Promotion can never be claimed as a matter of legal right. However, consideration of promotion is a fundamental right of an employee. If an administrative decision is taken to fill up the vacancies in the cadre of Junior Assistant/Bill Collector, then the authorities competent are bound to prepare panel, considering the names of all eligible candidates, who are all aspiring to get promotion in accordance with the Rules in force. Thus, promotions are to be granted strictly in accordance with the Rules in force and there cannot be any violation or deviation.

3. Equal opportunity in promotion is also a constitutional mandate and therefore, the authorities competent, while undertaking the process of promotion has to consider the names of all eligible candidates, including the writ petitioner, for inclusion of their respective names in the panel of eligible candidates and accordingly grant promotion in the event of taking a decision in this regard. However, a direction to promote the writ petitioners in a writ petition cannot be granted and the process of granting promotions are to be followed strictly by the authorities competent.

4. This being the principles to be followed, the relief, as such, sought for by the writ petitioners in the present writ petition cannot be granted and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Svn

https://hcservices.ecourts.gov.in/hcservices/

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George, Chennai-600 009.

2.The Director of Town Panchayats,
Kuralagam, Chennai-600 104.

3.The District Collector,
Pudukottai District,
Pudukottai.

+1cc to Government Pleader, High Court, Madras SR.No.15610

WP 3594 of 2019

CA(CO)
GMY(12/03/2019)

https://hcservices.ecourts.gov.in/hcservices/