

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.02.2019

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

W.P.Nos.4174, 4177, 4179, 4180 & 4182 of 2019

S.Murali ..Petitioner in W.P.No.4174/2019
N.Kamalanathan ..Petitioner in W.P.No.4177/2019
S.Selvam ..Petitioner in W.P.No.4179/2019
P.S.Saravanan ..Petitioner in W.P.No.4180/2019
D.Venkatesan ..Petitioner in W.P.No.4182/2019

vs

- 1.The State of Tamil Nadu
Rep.by the Secretary to Government
Municipal Administration & Water Supply Department
Secretariat, Fort St.George,
Chennai - 600 009
- 2.The Director of Town Panchayats
Kuralagam, Chennai - 600 108
- 3.The District Collector,
Vellore District,
Vellore.
- 4.The Assistant Director of Town Panchayats
Vellore Zone,
Vellore. ..Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote / appoint the petitioner to the post of Junior Assistant or Bill Collector under 20% quota reserved for Basic Service Employees in Town Panchayat in Vellore District provided in G.O.(Ms).No.150, MAWS Department dated 19.8.1998 and G.O (Ms) No.102, MAWS Department dated 22.7.2011 by drawing panel from the year 2009-2010 till 2017-2018 in Vellore District.

For Petitioners : Mr.R.Jayaprakash(in all W.Ps)

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader
(in all W.Ps)

C O M M O N O R D E R

The relief sought for in all the present writ petitions is for a direction to direct the respondents to promote / appoint the petitioner to the post of Junior Assistant or Bill Collector under 20% quota reserved for Basic Service Employees in Town Panchayat in Vellore District provided in G.O.(Ms).No.150, MAWS Department dated 19.8.1998 and G.O (Ms) No.102, MAWS Department dated 22.7.2011 by drawing panel from the year 2009-2010 till 2017-2018 in Vellore District.

2.The 20% quota reserved for basic service employees for promotion to the Post of Junior Assistants or Bill Collector is a concession extended by the Government by way of a policy. Undoubtedly, the basic servants, who all are eligible for such promotion is to be considered at the time of undertaking the process of promotion or appointments. By filing a writ petition, the writ petitioners cannot seek inclusion of their names in the panel of the year 2009-2010. An administrative decision is to be taken to fill up the Post of Junior Assistant or Bill Collector and thereafter, the authorities competent has to follow the rules in force. There cannot be any violation of the rules for promotion / appointment. All appointments/Promotions are to be made strictly by following the rules in force and the authorities, while undertaking the process of preparation of panel, all eligible persons, who all are aspiring to secure promotions / appointments are to be considered for inclusion of their names in the panel with reference to the rules in force.

3.This being the procedures to be followed by the authorities competent by filing a writ petition, the writ petitioners cannot seek promotion as promotion perse can never be claimed as matter of right and consideration for promotion alone is the right of an employee.

4.Under these circumstances, it is needless to state at the time of taking an administrative decision to fill up the Post of Junior Assistant or Bill Collector, the respondents are bound to consider all the eligible persons, who all are aspiring for appointment/promotions in accordance with the rules.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Municipal Administration & Water Supply Department
Secretariat, Fort St.George,
Chennai - 600 009
- 2.The Director of Town Panchayats
Kuralagam, Chennai - 600 108
- 3.The District Collector,
Vellore District,
Vellore.
- 4.The Assistant Director of Town Panchayats
Vellore Zone, Vellore.

+5 ccs to Mr.R.Jayaprakash, Advocate SR.Nos.13631 to 13635
+1 cc to The Government Pleader, Advocate Sr.No.13412

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CSL/05.03.2019

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