

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM

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

W.P.No.4895 of 2018

E.Kulasekaran

...Petitioner

Vs

1. Union of India rep by its
Secretary to Government
Ministry of Coal
Shram Shakthi Bhawan, New Delhi-1.
2. The Chairman Cum Managing Director,
Office of the Chairman,
Neyveli lignite Corporation India Limited,
Block I, Neyveli - 607 801.
3. The Chief General Manager,
Office of the Chairman,
Neyveli Lignite Corporation India Ltd.,
Neyveli - 607 801.
4. The Chief General Manager,
MINE-II and expansion,
Neyveli Lignite Corporation of India Ltd.,
Neyveli - 607 802.
5. Mrs.Rajameenakshi ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the 1st and 2nd respondents to consider and pass appropriate orders on the representation of the petitioner dated 03.04.2017 regarding granting promotion to the petitioner to the post of Senior Technician Grade I and Chief Technician with all service and monetary benefits.

For Petitioner : Mrs.S.Papitha
for M/s.S.Selvathirumurugan

For Respondents: Dr.D.Simon
CGSC for R1

O R D E R

The relief sought for in the present writ petition is for a direction to direct 1st and 2nd respondents to consider and pass appropriate orders on the representation of the petitioner dated 03.04.2017 regarding granting promotion to the petitioner to the post of Senior Technician Grade I and Chief Technician with all service and monetary benefits.

2. The writ petitioner has not established that his junior was already promoted overlooking the seniority. Further, it is not established that the panel was prepared and the name of the petitioner was deferred. It is not established that the order of promotion being any is passed in violation of the promotion rules in force. In the absence of any one of such grounds, it is considered that the promotion cannot be issued directly. Promotion can never be claimed as a matter of right. However, consideration for promotion is a Fundamental Right of the eligible employees, who are all aspiring to secure promotion and must be considered at the time of preparation of panel for promotion. On a decision to fill up the post is to be taken at the administrative level and after taking a decision, a panel of persons fit to promotion for higher post is prepared by considering names of the eligible persons.

3. This being the process involved and filing of the writ petition to consider the representation cannot be entertained. Even to consider representation, the writ petitioner has to establish a legal right. It is a precondition that the right to establish for the purpose of entertaining the writ petition itself, as the writ petitioner has not established any such right and sought for direction to consider his representation for grant of promotion for higher post of Senior Grade Technician.

4. The relief as such sought for cannot be granted. However, it is made clear that whenever a panel is prepared, the name of all eligible persons is to be considered in accordance with the rules and also the writ petitioner is otherwise eligible and qualified.

5. With these observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mrm

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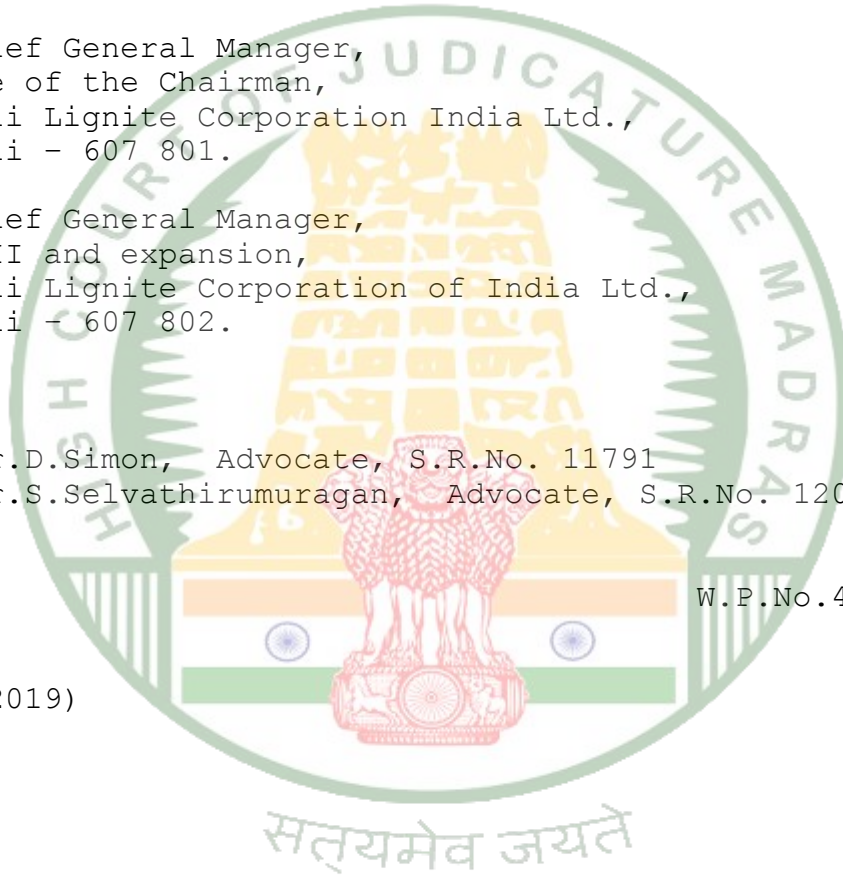
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+1cc to Mr.D.Simon, Advocate, S.R.No. 11791

+1cc to Mr.S.Selvathirumuragan, Advocate, S.R.No. 12044

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GP(CO)
GN(11/03/2019)



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