

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.32421 of 2018

M.Velmurugan

... Petitioner

..Vs..

- 1.The Director,
Directorate of Town Panchayats,
Kuralagam,
Chennai - 600 108.
 - 2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
 - 3.The Assistant Director,
Town Panchayat,
Vellore District,
Vellore.
 - 4.The Executive Officer,
Kannamangalam Town Panchayat,
Kannamangalam,
Tiruvannamalai District.
- ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Sanitary Supervisor in the 4th respondent Town Panchayat by considering the petitioner's representation dated 25.10.2018 within a stipulated time frame as prescribed by this Court.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.R.S.Selvam

Government Advocate for R1 to R3

Mr.P.P.Purushothaman

Government Advocate for R4

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondents to promote the petitioner to the post of Sanitary Supervisor in the 4th respondent Town Panchayat, by considering his representation to the promotion can never be granted by considering the representations.

2. Promotion perse can never be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. Thus, all the employees who all are eligible and aspiring to secure promotions, are to be considered at the time of preparation of panel of eligible persons for promotion to the higher post. Thus, the claim of the employees arises only at the time of preparation of the panel by the Competent Authority for grant of promotion. Thus, by submitting a representation before the Authorities, the petitioner cannot seek promotion. All promotions are to be made strictly in accordance with the recruitment rules in force. The seniority and other criteria are to be followed scrupulously at the time of considering the names of the eligible persons who all are aspiring to secure promotions in the order of seniority.

3. This being the legal principles settled, the relief as such sought for in the present writ petition cannot be considered. However, the case of the writ petitioner also shall be considered in accordance with the rules and at the time when Competent Authority has taken a decision to fill-up the posts by preparing the panel.

4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Pns
To

1.The Director,
Directorate of Town Panchayats,
Kuralagam,
Chennai - 600 108.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The Assistant Director,
Town Panchayat,
Vellore District,
Vellore.

4.The Executive Officer,
Kannamangalam Town Panchayat,
Kannamangalam,
Tiruvannamalai District.

+1cc to Mr.R.Jayaprakash , Advocate SR.No. 32581

+1cc to Mr.P.P.Purushothaman , Advocate SR.No. 33625

W.P.No.32421 of 2018

mr (CO)

A.SK(06/05/2019)



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