

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.Nos.34188, 34190 to 34193 of 2018
and
W.M.P.Nos.39721 to 39725 of 2018

R.Settu ... Petitioner in W.P.No.34188 of 2018
V.Elango ... Petitioner in W.P.No.34190 of 2018
S.Balasubramani ... Petitioner in W.P.No.34191 of 2018
R.Thirumurugan ... Petitioner in W.P.No.34192 of 2018
K.Murugesan ... Petitioner in W.P.No.34193 of 2018

-Vs-

1. The Chairman,
Tamil Nadu Generation and distribution Corporation Ltd.
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer,
Personal
8th Floor, Tamil Nadu Generation and Distribution
Corporation Ltd.
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer
Purchase and Administration,
Mettur Thermal Power Station - I,
Mettur, Salem District.

... Respondents in all Writ petitions

Prayer in W.P.No.34188/2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 08.08.2016 and direct the 2nd respondent herein to appoint him in the post of Technical Assistant for the Internal Selection by fixing the seniority as per Internal Recruitment.

Prayer in W.P.No.34190/2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the Petitioner's Applications dated 29.07.2019, 15.09.2010, 11.11.2011, 19.07.2013 and his representations dated 08.08.2016 and direct the 2nd respondent herein to appoint him in the post of Technical Assistant for the internal selection by fixing the seniority as per Internal Recruitment.

Prayer in W.P.No.34191/2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner Application given in the year 2013 and his representation dated 08.08.2016 and direct the 2nd respondent herein to appoint him in the post of Technical Assistant for the internal selection by fixing the seniority as per Internal Recruitment.

Prayer in W.P.No.34192/2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the representation to the petitioner dated 08.08.2016 and direct the 2nd respondent herein to appoint him in the post of Technical Assistant for the internal selection by fixing the seniority as per Internal Recruitment.

Prayer in W.P.No.34193/2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the Petitioner's Applications dated 31.07.2009, 15.09.2010, 03.11.2011, 19.07.2013 and his representation dated 08.08.2016 and direct the 2nd respondent herein to appoint him in the post of Technical Assistant for the internal selection by fixing the seniority as per Internal Recruitment.

For petitioner : Mr.S.Kumara Devan
.. In all WPs.

COMMON ORDER

The relief as such sought for in these writ petitions are for a direction to direct the first respondent to consider the representations submitted by the writ petitioners, which states that the writ petitioners are entitled for promotions to the post of Technical Assistant and their cases are to be considered for participation in the internal selection by recognizing their qualification of Diploma in Electrical and Electronics obtained from Vinayaka Mission's Research Foundation Deemed University.

2. This Court is of the considered opinion that by directing the respondents to consider the representations, the same would not serve any purpose.

3. This apart, even to issue such a directions, the writ petitioners has to establish a legal right. In the absence of any legal rights and an adjudication of such legal rights, no such directions are to be issued which would develop multiplicity of proceedings and challenging the same, litigants will come back again to the Court. Thus, this Court has adjudicated the issues in respect of such reliefs sought for, by the writ petitioners.

4. As far as the present case on hand is concerned, the claim of the writ petitioners are that, they are eligible and qualified for promotions to the post of Technical Assistant. However, the cases of the writ petitioners are not considered, as they are not possessed requisite qualifications or the qualifications possessed by them are invalid.

5. However, the respondents are bound to verify the qualifications acquired by the writ petitioners and take a decision to consider the names of the writ petitioners for promotions, strictly in accordance with the Rules in force.

6. Promotion per se can never be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. Thus, all the employees who are all eligible and aspiring to secure promotions are to be considered at the time of undertaking the process of preparation of panel or at the time of conducting an internal selections.

7. This being the procedures to be followed, this Court is of the considered opinion that the cases of the

writ petitioners are to be considered, whenever the process of promotion is undertaken and by strictly following the rules and regulations and after verifying the sanctity and validity of the Educational qualifications possessed by the writ petitioners.

8. With these observations, all the writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mp/pns
To

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Purchase and Administration,
Mettur Thermal Power Station - I,
Mettur, Salem District.

+5ccs to Mr.S.Kumara Devan , Advocate SR.No.
32990,32991,32992,32989,32988

W.P.Nos.34188, 34190 to 34193 of 2018
and

W.M.P.Nos.39721 to 39725 of 2018

A.SK(30/04/2019)

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