



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.1193 of 2013

and

M.P.[MD]Nos.1 and 2 of 2013

V.Sivakumar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner / Executive Officer,
Hindu Religious and Charitable Endowments,
Kanyakumari District Thriukkoils,
Suchindrum,
Kanyakumari District.

3.The Superintendent of Devaswoms,
Padmanabhapuram Group,
Hindu Religious and Charitable Endowments,
Padmanachapuram,
Thuckalay P.O.,
Kanyakumari District.
PIN: 629 175.

4.The Sreekaryam,
Major Keralapuram Devaswom,
Keralapuram,
Keralapuram P.O.,
Via Thiruvithamcode,
Kanyakumari District,
Pin: 629 174.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 14.11.2012 for promotion as Thirukkoil Nirvaha Ilanilai Udaviyalar and Ilanilai Niruvahi, submitted to the second respondent through respondents 4 and 3, respectively, in response to the second respondent's communication in Na.Ka.No.2758/2012/D2 dated 06.11.2012 on his file, and promote the petitioner in accordance with the same



For Petitioners : Mr.K.N.Thampi
For Respondents 1 & 2 : Mr.S.Dhayalan
Government Advocate
For Respondents 3 & 4 : No appearance

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O R D E R

The relief sought for in the present writ petition is to direct the respondents to consider the application submitted by the writ petitioner for promotion on 14.11.2012.

2.Promotion can never be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. Thus, all the persons who all are eligible for promotion are to be considered whenever the process of preparation of panel is undertaken. Thus, the case of the writ petitioner also to be considered along with all other eligible candidates who all are aspiring to secure promotion in accordance with the Rules.

3.The learned Government Advocate appearing on behalf of the respondent states that the case of the writ petitioner would be considered along with all other eligible candidates at the time of preparation of panel for promotion.

4.It is needless to state that the authorities competent at the time of preparation of panel should consider the name of all the eligible persons including the petitioner and accordingly grant promotion strictly in accordance with the rules in force.

5.With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Chennai - 600 034.



2.The Joint Commissioner / Executive Officer,
Hindu Religious and Charitable Endowments,
Kanyakumari District Thriukkoils,
Suchindrum,
Kanyakumari District.

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+1CC TO MR.K.N.THAMPI, Advocate Sr. No.79565
+1CC TO MR.D.HARI, Advocate Sr. No.80121
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 79735

W.P[MD]No.1193 of 2013
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SSS(CO)
TR (26.08.2019) 3P 6C