



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.08.2019
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.1221 of 2013
and
M.P.[MD]Nos.1 of 2013 & 1 of 2014

Dhanraj Satyanathan

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chepauk,
Ezhilagam,
Chennai - 600 009.

2.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to affect the promotion to the petitioner in the light of the orders issued by the Government in G.O.Ms.No.140, Municipal Administration and Water Supply dated 27.05.1997 and to promote the petitioner as Technical Assistant and to give subsequent promotions.

For Petitioner : Mr.C.Jeganathan
For Respondent No.1 : Mr.M.Jeyakumar
Additional Government Pleader
For Respondent No.2 : Mr.Aayiram K.Selvakumar
Standing Counsel

O R D E R

The relief sought for in the present writ petition is to direct the writ petitioner to effect promotion to the petitioner in the light of the orders issued by the Government in G.O.Ms.No.140, Municipal Administration and Water Supply dated 27.05.1997 so as to promote the petitioner to the post of Technical Assistant and to give subsequent promotions.

2.Promotion can never be claimed as a matter of right. All promotions are to be made strictly in accordance with the Rules in force. Mere submission of any written representation would not confer any right on the employee to claim promotion and file a writ



petition for a direction. Only in the event of violation of the Rule of promotion or if the eligible persons are not considered or if the juniors to the writ petitioner was promoted, then alone, the cause would arise and not otherwise.

3.This Court is of the considered opinion that the writ petitioner claims that he is to be considered with reference to the Government order in G.O.Ms.No.140, Municipal Administration and Water Supply dated 27.05.1997. This Court is of the considered opinion that the promotions are to be granted by considering the rules in force as well as all connected Government orders and by considering the eligible criteria and other qualifications which all are prescribed in the Rules. Thus, by citing one Government order, the writ petitioner cannot claim promotion. The relevant Government orders as well as the Rules for promotion are to be considered at the time of undertaking the process of the preparation of panel for promotion. Thus, the case of the writ petitioner is to be considered along with all other eligible candidates who all are aspiring to secure promotion whenever a decision is taken to fill up the vacant posts and the panel is prepared.

4.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner of Municipal Administration,
Chepauk,Ezhilagam,
Chennai - 600 009.
- 2.The Commissioner,
Tirunelveli Municipal Corporation, Tirunelveli.

- +1. C.C. to Mr.C.JEGANATHAN Advocate SR.No.79637
- +1. C.C. to Mr.AAYIRAM.K.SELVAKUMAR Advocate SR.No.80032
- +1. C.C. to SPECIAL GOVERNMENT PLEADER Advocate SR.No.79728

W.P[MD]No.1221 of 2013
02.08.2019

MR

TK/15.10.2019/2P/6C