



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12821 of 2019

WEB COPY

Muthukumar

... Petitioner

vs.

1.The Managing Director

Tamilnadu State Transport Corporation Ltd.,
Kumbakonam, Division III (Karaikudi Region)
Corporate Office, Railway Peder Road
Kumbhakonam, Tanjore District

2.The General Manager

Tamilnadu State Transport Corporation Ltd.,
Karaikudi Region, Karaikudi, Sivagangai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to post petitioner in any post at par with his seniority with allied benefits.

For Petitioner : Mr.T.Kumar

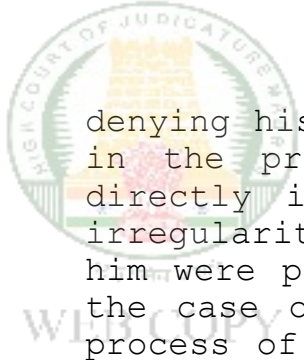
For Respondents : Mr.D.Sivaraman

ORDER

The relief sought for in this writ petition is to direct the respondents to post the writ petitioner in any one of the post on par with his seniority with allied benefits.

2. The relief sought for in the present writ petition is absolutely innocuous. An employee, who is working as driver in the Tamil Nadu State Transport Corporation, cannot seek a prayer that he should be posted in anyone of the suitable post on par with his seniority.

3. Promotions *per se* can never be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. The employees, who are eligible and waiting for promotion, must be considered whenever the process of preparation of panel is undertaken by the competent authorities. Thus, promotions are to be considered strictly with reference to the seniority, eligibility of the employee concerned and the rules in force. Promotions cannot be granted by the Court in the absence of establishing that the authorities competent violated the promotion rules or promoted the junior to the writ petitioner



denying his claim. The direction sought for by the writ petitioner in the present writ petition to promote him cannot be granted directly in the event of not establishing that there were some irregularities in the matter of grant of promotion or the juniors to him were promoted to the higher posts. Under these circumstances, the case of the writ petitioner is to be considered whenever the process of preparation of panel for promotion is undertaken by the competent authorities and as per his eligibility with reference to the rules in force.

4. With these observations, the writ petition is dismissed.
No costs.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS-)

am / krk

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-67121[F] dated 06/06/2019)

+1 CC to M/s.T.KUMAR, Advocate (SR-67319[F] dated 07/06/2019)

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