



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.12873 of 2019

and

W.M.P.[MD]Nos.9570 to 9572 of 2019

WEB COPY

A.Jayaseelan

... Petitioner

Vs.

1.The Director,
Survey and Land Record Department,
Survey House, Chepak, Chennai - 05.

2.The Additional Director,
Survey and Land Record Department,
Survey House, Chepak, Chennai - 05.

3.The Deputy Director,
Survey and Land Record Department,
Anna Bus Stand Opposite,
Madurai - 20.

4.The Assistant Director,
Survey and Land Record Department,
Dindigul.

... Respondents

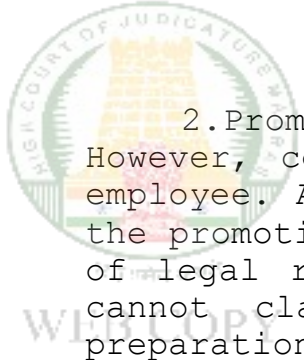
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the fourth respondent in e.f.m1/1674/2018 dated 13.06.2018 quash the same and consequently direct the first respondent to direct the fourth respondent to include the petitioner's name in the panel to the post of Firka Surveyor for the year 2018.

For Petitioner : Mr.A.Jayaseelan
Party-in-person

For Respondents : Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to call for the records dated 13.06.2018 and quash the same and direct the respondents 1 to 4 to include the name of the writ petitioner in the panel for the post of Firka Surveyor for the year 2018 and promote him.



2.Promotion can never be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. All promotions are to be made strictly in accordance with the promotion rules. Promotion *per se* cannot be claimed as a matter of legal right. An employee who joined in the Government service cannot claim promotion as a right. Whenever the process of preparation of panel is undertaken by the competent authorities, the name of all the eligible persons are to be considered in accordance with the rules in force. The case of the petitioner also to be considered along with all other eligible candidates who are all aspiring to secure promotion.

3.The petitioner in person pleads that the panel has not been prepared in accordance with the guidelines in G.O.Ms.No.368 Personnel and Administrative Reforms Department dated 18.10.1993. The preparation of panel was not done in accordance with the Rules. Thus, the impugned order is liable to be set aside.

4.The impugned order says that the aggrieved persons may prefer an appeal before the Deputy Director within a period of 50 days. The petitioner states that he had already filed an appeal and no order has been passed by the Deputy Director, so far. Though, the petitioner claims that some of his juniors were already promoted, he has not impleaded any such juniors as a party respondent in this writ proceedings. The panel dated 13.06.2018, is now challenged after a lapse of about one year.

5.Under these circumstances, the appeal submitted by the writ petitioner is to be considered by the third respondent in accordance with the rules and a decision has to be taken. In this regard, the writ petitioner is directed to submit a copy of the appeal to the third respondent along with all relevant documents within a period of two [2] weeks from the date of receipt of a copy of this order and on receipt of the copy of the appeal, the third respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of twelve [12] weeks, thereon.

6.Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Director,
Survey and Land Record Department,
Survey House, Chepak, Chennai - 05.

2.The Additional Director,
Survey and Land Record Department,
Survey House, Chepak, Chennai - 05.

3.The Deputy Director,
Survey and Land Record Department,
Anna Bus Stand Opposite,
Madurai - 20.

4.The Assistant Director,
Survey and Land Record Department,
Dindigul.

+1 CC to SPL GP SR-67440.

+2 CC to Mr.A.JAYASEELAN, Party-in-Person,SR-67017.

W.P[MD)]No.12873 of 2019
06.06.2019

CS: (12/06/2019) 3P 8C