

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.10425 of 2014****WEB COPY**

TASMAC Paniyalargal Union (Madurai)
rep.by its District Secretary
Ambalakara Mandapam
No.26-A, Outpost, Thallakulam, Madurai

... Petitioner

vs.

The Managing Director
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
CMDA Tower II, 4th Floor
Gandhi Irwin Bridge Road
Egmore, Chennai-600 008

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to fill up the post of Supervisors and Salesmen from the in-service candidates holding the post of Salesman and Bar Tender/Bar Assistant respectively thereby enabling the in-service candidates to get promotional avenue as recommended by this Court in W.P.No.9890 of 2007 and W.P.Nos.2728, 10324 and 10325 of 2010, dated 27.02.2013, within a time stipulated by this Court.

For Petitioner : Mr.R.V.Rajkumar

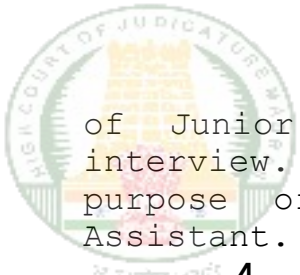
For Respondent : Mr.H.Arumugam

O R D E R

The relief sought for in the present writ petition is for a direction to the respondent to fill-up the posts of Supervisor and Salesman from the in-service candidates holding the post of Salesman and Bar Tender / Bar Assistant respectively, enabling the in-service candidates to get promotional avenue as per the orders of this Court, dated 27.02.2013, in W.P.(MD) No.9890 of 2007 and W.P.(MD) Nos.2728, 10324 and 10325 of 2010.

2. Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. All employees, who all are aspiring to secure promotion, must be considered at the time of preparation of panel for promotion to the higher posts. In other words, the competent authority, at the time of undertaking the process of promotion, should consider the names of all the eligible persons and grant promotion strictly in accordance with the promotion rules in force.

3. The learned counsel for the respondent states that the in-service candidates are now considered for appointment to the post



of Junior Assistant by conducting a written examination and interview. Thus, the process of selection is in force for the purpose of appointing the candidates to the post of Junior Assistant.

4. This Court is of the considered opinion that all appointments are to be made strictly in accordance with the recruitment rules in force, so also the promotions. Mere rendering service in a particular cadre would not confer right on the employees to seek promotion by filing a writ petition. Thus, the direction as such sought for in the present writ petition to fill-up the posts of Supervisor and Salesman from in-service candidates cannot be granted. All such promotions are to be granted strictly in accordance with the promotion rules in force and if the members of the writ petitioner / Association are eligible, then their names are to be considered. This apart, the Association has filed the present writ petition. In respect of promotions, the individual aggrieved person alone is competent to file a writ petition. However, it is brought to the notice of this Court that the members of the writ petitioner / Association are appointed on temporary basis.

5. For all these reasons, the relief as such sought for in the present writ petition cannot be granted. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-76678[F] dated 22/07/2019)

+1 CC to M/s.R.V.RAJKUMAR, Advocate (SR-77010[F] dated 23/07/2019)

W.P. (MD) No.10425 of 2014
19.07.2019

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