

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) .No.11116 of 2014****and****M.P. (MD) No.1 of 2014**

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V.Raj Periyasamy

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

3. The Commissioner,
Trichirappalli City Corporation,
Trichirappalli-620 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass orders for the promotion to the post of Junior Engineer with effect from 25.8.2011 on the recommendation made by the 3rd respondent through its Proceedings in Roc.No.9285/2013/C1 (Main), dated 27.10.2013 based on the petitioner's seniority and eligibility along with all consequential and other attendant benefits including arrears of salary within a time frame to be fixed by this Court.

For Petitioner : Mr.UM.Ravichandran

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader
(for R-1 and R-2)

Mr.N.S.Karthikeyan (for R-3)

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to pass orders for promotion to the post of Junior Engineer with effect from 25.08.2011, based on the recommendations of the third respondent in letter, dated 27.10.2013.

2.The writ petitioner is holding the post of Technical Assistant. He was initially appointed as Wireman and subsequently, promoted to the post of Technical Assistant. The writ petitioner claims that his name was considered for inclusion in the panel for



promotion to the post of Junior Engineer. However, no promotions were granted. The petitioner subsequently, was directed to serve as Junior Engineer in-charge and based on the said position, the petitioner filed a writ petition that he should be promoted to the post of Junior Engineer on regular basis. Posting a Subordinate Official to the higher post in an in-charge position would not confer any right for claiming promotion on regular basis.

3.Promotions on regular basis is to be granted in accordance with the promotion rules in force. Promotions are to be granted by preferring the name of all eligible persons in the panel and thereafter, consider the names strictly in accordance with the rules relating to promotion. Thus, mere holding the post of Junior Engineer as an in-charge Officer would not provide a cause for the writ petitioner to claim promotion on regular basis.

4.It is made clear that whenever the regular panel is preferred for promotion to the post of Junior Engineer, the names of all the eligible persons are to be considered along with the name of the writ petitioner, if he is otherwise qualified and eligible for regular promotion to the post of Junior Engineer.

5.Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. Thus, the respondents at the time of undertaking the process of preparation of panel, the names of all the eligible persons including the name of the writ petitioner. This being the procedures to be followed, the relief as such sought for cannot be granted. However, the case of the writ petitioner can be considered at the time of preparation of regular panel for the regular promotion to the post of Junior Engineer.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai-600 009.



2.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

+1 CC to Mr.N.S.KARTHIKEYAN, Advocate (SR-77362[F] dated 24/07/2019)

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23.07.2019

SJI

MK (31.07.2019) 3P 4C