



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No. 3222 of 2014
and M.P.(MD) No. 1 of 2014

N. Nataraj

... Petitioner

Vs.

1.The Management of Tamil Nadu State
Transport Corporation (Madurai) Limited,
Represented by its Managing Director,
Bye-Pass Road, Madurai - 16.

2. The General Manager,
Tamilnadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region, Bye-Pass Road,
Virudhunagar.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents-1 & 2 to grant promotion to the post of Driving Instructor to the petitioner and other persons strictly in accordance with seniority and rules and practice.

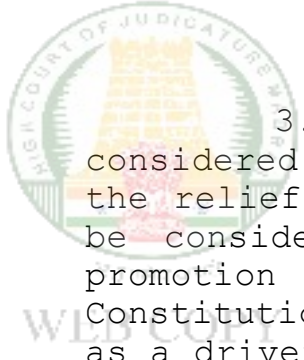
For Petitioner : Mr.S. Arunachalam

For Respondents : Mr.Jeyaram

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents-1 & 2 to grant promotion to the post of Driving Instructor to the petitioner and other persons.

2. Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is a fundamental right right of an employee whenever the process of promotion is undertaken by the competent authority, the case of the writ petitioner is also to be considered along with all other eligible candidates who all are aspiring to secure promotion to the post of



3. Thus, the case of the writ petitioner is to be considered along with all other eligible candidates. However, now the relief as such sought for in the present writ petition cannot be considered in view of the fact that a direction to grant promotion cannot be issued directly under Article 226 of the Constitution of India. This apart, the writ petitioner is working as a driver in the Tamilnadu State Transport Corporation and he is a member of the Trade Union, that if at all the promotion police with reference to the 12(3) is to be questioned, the dispute is to be raised before the competent Labour Court and this Court cannot adjudicated such disputed points by conducting an enquiry under Article 226 of the Constitution of India.

4. This being the factum, the writ petitioner is at liberty to approach the competent Court of Law through the trade union for the redressal of his grievance. As far the respondents are concerned, whenever the panel is prepared for promotion, the names of all the eligible candidates is to be considered.

5. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.S.ARUNACHALAM, Advocate SR-75653.

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