

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.553 of 2019

K.Muruganandam

..Petitioner

Vs.

Arjun Ramakrishnan,
The Commissioner,
Puducherry Municipality,
Kamban Kalai Arangam Campus,
Puducherry-605 001.

..Respondent

Prayer : Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondents herein for their willful disobedience of the order made in W.P.No.30178 of 2011 dated 22.12.2017.

For Petitioner : Mr.S.Senthil Nathan
for R.Murugabharathi

For Respondent : Mr.R.Syed Mustfa
Additional Government
Pleader (Puducherry)

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O R D E R

The contempt petition is filed to punish the respondents for willful disobedience of the orders passed by this Court on 22.12.2017 in W.P.No.30178 of 2011.

2. This Court passed an order in W.P.No.30178 of 2011 dated 22.12.2017 and the relevant paragraphs are extracted hereunder:

3. In this view of the matter, the 3rd respondent is directed to consider the entire issues in relation to the fixation of seniority and accordingly, consider the case of the writ petitioner for grant of retrospective promotion on the par with the 4th respondent in respect of their seniority and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

3. Based on the directions issued to the third respondent to consider the case of the writ petitioners for grant of promotion on par with the 4th respondent in respect of their seniority, the respondents have considered the claim of all the writ petitioners and passed an order on 03.01.2019.

4. The learned counsel appearing on behalf of the respondent made a submission that the cases of all the writ petitioners were considered by the respondents in detail and Mr.Goqulakichenin was promoted to the post of Junior Engineer(Civil), and in respect of other writ petitioners, their cases will be considered as and when vacancy arises and by following the rules in-force. The order passed pursuant to the directions issued by this Court also states that " as and when further vacancies arises, the case of the writ petitioners will be considered, as per the orders passed by this Court". Thus, this Court is of the opinion that the respondents have not committed any contempt willful.

5. It is to be clarified that the promotion cannot be considered as a matter of right. Further, consideration of promotion is a fundamental right of an employee. All eligible persons are to be considered for promotion whenever administrative decision is taken to fulfill the promotional vacancies. Therefore, it is not as if one employee can approach the High Court and by getting a direction to consider the representation, he can be promoted. It is needless to state that all the eligible persons who are all waiting or longing to get promotions are to be considered with reference to the rules, so as to maintain the constituency and uniformity in the matter of grant of promotion in accordance with the rules in force.

6. This being the principles to be followed, promotion cannot be a right and the case of all the five writ petitioners were considered by the respondents and a decision was taken to fulfill the one post and accordingly, the first petitioner/ Mr.Goqulakichenin was promoted and during further consideration, the case of other writ petitioners were considered, as seen from the reply

provided in this contempt petition by the respondents. This being the factum, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ssb

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

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SMI/28/01/2020

To

The Commissioner,
Puducherry Municipality,
Kamban Kalai Arangam Campus,
Puducherry-605 001.

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