

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE **V.PARTHIBAN**W.P.No.18532 of 2020

R.Velmourougan

... Petitioner

Vs

1. The Union Territory of Puducherry,
rep. by its Secretary to Government,
Department of local Administration,
Chief Secretariat,
Puducherry- 605 001

2.The Director,
Department of Local Administration,
Puducherry.

3.The Commissioner,
Pondicherry Municipality,
Puducherry.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to promote the petitioner as Junior Engineer (Mechanical) with effect from the date of 24.07.2012, with all attendant monetary benefits arising thereon consequent on the promotion of the petitioner, by amending the recruitment rules for the post of Junior Engineer(Mechanical) creating avenues for promotion from the post of Mechanic Fitter/Senior Mechanic within the time to be stipulated by this

Court.

For Petitioner : Mr.S.Conscious Ilango

ORDER

Writ Petition has been filed seeking for issuance of a Mandamus, to direct the respondents to promote the petitioner as Junior Engineer (Mechanical) with effect from 24.07.2012, with all attendant and monetary benefits arising thereon in consequent to the promotion of the petitioner, by amending the Recruitment Rules for the post of Junior Engineer(Mechanical) by creating avenues for promotion from the post of Mechanic Fitter/Senior Mechanic within the time to be stipulated by this Court.

2. The case of the petitioner is that he was appointed as a Mechanic Fitter in the third respondent Municipality on 04.03.1996. According to the petitioner, he has acquired a Diploma in Mechanical Engineering, by undertaking a part time study after due permission from the respondents. He successfully completed the Course in 2012. After a period of 21 years as a Mechanic Fitter, the petitioner was finally granted promotion to the post of Senior Mechanic that too on adhoc basis

on 25.05.2017.

3. The grievance of the petitioner is that though he is qualified to be considered for promotion to the post of Junior Engineer, he has not been considered for promotion for the simple reason that the relevant Recruitment Rules does not provide a promotional avenue from the post of Mechanic Fitter/Senior Mechanic. In the absence of inclusion of the post of Mechanic Fitter as a feeder cadre for promotion to the post of Junior Engineer, the petitioner has been denied promotion to the next higher post. Therefore, the petitioner is before this Court seeking a direction to the respondents to grant him promotion as Junior Engineer with effect from 24.07.2012, the date on which he became qualified on obtaining Diploma in Mechanical Engineering, by amending the relevant Recruitment Rules.

4. This Court finds that no worthy material has been produced in support of the prayer as to whether such grievance projected in this Writ Petition could be addressed as a serious concern. The affidavit is bereft of any relevant details and the petitioner simply wants a direction to the respondents to amend the Recruitment Rules.

5. This Court is unable to appreciate as to how such a direction could be issued without being made aware of what is existing in the recruitment Rules and what are the Feeder Cadres and why the petitioner's cadre has not been included in the recruitment Rules. Even assuming that the petitioner has grievance for stagnating in the same post for more than two decades, yet by way of Mandamus, such relief could not be claimed. This Court cannot give a blanket direction to the authorities to amend the relevant recruitment Rules and also give a direction to grant promotion to the petitioner from the date he became qualified.

6. In effect, what the petitioner seeking is a declaration from this Court to amend the relevant recruitment Rules retrospectively and make it applicable to the claim of the petitioner, namely the promotion as Junior Engineer from 2012. Such a sweeping direction could not be given by this Court merely on the prayer of Writ of Mandamus.

7. Therefore, the Writ Petition stands dismissed. No costs.

15.12.2020

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To

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3. The Commissioner,
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V.PARTHIBAN.J.,

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