

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.10.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No. 9395 of 2013**

WEB COPY

R.Sankaran

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
St.George Fort,
Chennai - 9.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai.

3.Tirunelveli City Municipal Corporation,
Rep.by its Commissioner,
Tirunelveli.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to notionally promote the petitioner as Assistant Commissioner in Tirunelveli Corporation from 26.06.2012 with all consequential benefits.

For Petitioner: Mr.T.Antony Arul Raj

For R1 and R2 : Mr.G.Arjunan
Govt.Advocate

For R3 : No Appearance

ORDER

The relief sought for in the present writ petition is for a direction, directing the 1st respondent to notionally promote the petitioner, as Assistant Commissioner in Tirunelveli Corporation, with effect from 26.06.2012.

2. The learned counsel appearing on behalf of the writ petitioner strenuously contended that the writ petitioner is entitled for promotion to the post of Assistant Commissioner in view of the fact that the panel was made ready and a proposal was sent to the Government to consider the name of the writ petitioner for promotion to the post of Assistant Commissioner at Tirunelveli Corporation.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Promotion *per se* cannot be claimed as a matter of right.



However, consideration of an employee for promotion is a Fundamental Right. All promotions are to be made strictly in accordance with the rules in force. Courts cannot issue direction to promote a particular employee, unless it is established that the promotions are granted in violation of the rules or in some of the juniors were promoted. Mere sending of proposal or its pendency cannot be a ground to issue a direction to promote an employee to the higher post. Undoubtedly, a proposal was sent to consider the name of the writ petitioner. However, meanwhile, he attained the age of superannuation and retired from service on 30.11.2012. The retirement may be a bad luck for the writ petitioner. However, this will not confer any right on him to secure notional promotion by filing the present writ petition. This being the factum, the writ petitioner has not established even a semblance of legal right so as to consider the relief as such sought for in the present writ petition. Thus the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
St.George Fort,
Chennai - 9.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
Madurai.

+1 CC to M/s.T. ANTONY ARUL RAJ, Advocate (SR-19480[F] dated 08/10/2020)

W.P. (MD) No. 9395 of 2013
06.10.2020

MA (CO)

KK (20.10.2020) 2P 5C