



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.14740 of 2014
and M.P(MD) No.1 of 2014

WEB COPY

M.Ramalingam

: Petitioner

Vs.

The Divisional Engineer,
O/o.The Divisional Engineer,
Highways Department (K(M)P),
Alagarkovil, (Near Lotus tank),
K.Pudur, Madurai 625 007.

: Respondent

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for Writ of Mandamus seeking direction to the respondent to promote the petitioner as a Road Inspector Grade - II considering his seniority in service, taking into account of the petitioner's representation dated 26/08/2014.

For Petitioner : Mr.V.Vinayagamoorthy

For Respondent : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondent to promote the petitioner as Road Inspector Grade-II considering his seniority in service taking into account the petitioner's representation dated 26.08.2014.

2.The petitioner was working as Gang Mazdoor and his services was regularized. The claim of the writ petitioner is that his right to promotion was denied and he submitted a representation to the respondent which was not considered. Thus, the petitioner was constrained to move the present writ petition.

3.Promotion *per se* cannot be claimed as a matter of right. Consideration for promotion is a right, therefore, the names of all the eligible employees are to be considered whenever the process of preparation of panel is undertaken. Contrarily, an employee may not seek promotion merely based on his representation. Panel is to be prepared by following the procedures contemplated and accordingly, promotion ought to be given. In the present case, no such incident occurred. Contrarily, the petitioner sent a representation and based on the representation he filed the writ petition seeking promotion.



The relief as sought for is misconceived and such a prayer cannot be granted at all.

4. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Tsg-2/CM

To
The Divisional Engineer,
O/o. The Divisional Engineer,
Highways Department (K(M)P),
Alagarkovil, (Near Lotus tank),
K. Pudur, Madurai 625 007

+1 CC to M/s.SGP (SR-21592[F] dated 09/11/2020)

W.P (MD) No.14740 of 2014
06.11.2020

ARK (CO)

KK(18.11.2020) 2P 3C