



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.4948 of 2014

and

M.P(MD)No.1 of 2014

P.Muruganantham

... Petitioner

Vs.

1.The Principal Secretary to Government
Revenue Department,
Fort.St.George,
Chennai - 600 009.

2.The Additional Chief Secretary and Commissioner of
Revenue Administration Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the G.O.(Ms)No.57, Revenue (Ser-1) Department dated 06.02.2014 issued by the 1st respondent and quash the same insofar as it omits to include the name of the petitioner from the promotion panel to the post of Deputy Collector for the year 2013-2014 and consequently direct the respondents to include the petitioner in the panel above Serial Number 69 with all consequential benefits.

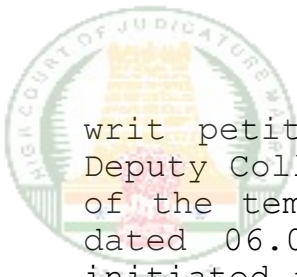
For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.V.Anand
Govt.Advocate

ORDER

The impugned order passed by the 1st respondent in G.O.(Ms) No.57, Revenue (Ser-1) Department dated 06.02.2014 is temporary list of the year 2013-2014, for promotion to the post of Deputy Collectors.

2. The grievances of the writ petitioner is that the crucial date for preparation of panel was 01.01.2013 and as on the crucial date, there was no impediment for the writ petitioner to consider his name for promotion. In otherwards, as on the crucial date, the



writ petitioner was fully eligible for promotion to the post of Deputy Collector in the Revenue Department. However, after issuance of the temporary list in G.O.(Ms)No.57, Revenue (Ser-1) Department dated 06.02.2014, the departmental disciplinary proceedings were initiated against the writ petitioner.

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3. The learned counsel appearing on behalf of the writ petitioner made a submission that as on the crucial date, the writ petitioner is qualified and therefore, his name ought to have been included in the approval list for promotion.

4. This Court is of the considered opinion that mere consideration would not confer any right on the employees to seek by filing a writ petition. Admittedly, the crucial date for preparation of panel was 01.01.2013. There may be no disciplinary proceedings on the crucial date, however, the crucial date is only for the purpose of ascertaining the eligibility of the candidates for the purpose of considering his name for inclusion in the panel and therefore, the subsequent disciplinary proceedings is also relevant for the purpose of grant of promotion.

5. It is pertinent to note that an employee, who was included in the panel is charged subsequently, is also dis-entitled for promotion. The promotion can be deferred even before issuance of the promotion order by the competent authority. Promotion per se cannot be claimed as a matter of right. Therefore, till the order of promotion is issued and the person takes charge of the post, the promotion would not confer any right. Mere consideration is not a ground to institute a writ petition seeking a direction. In the present case, the writ petitioner was facing disciplinary proceedings and therefore, his name was not considered for inclusion in the temporary list of the year 2013-2014 and his name was deferred.

6. In fact, the writ petitioner attained the age of superannuation during the pendency of the writ petition. This being the factum, the writ petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for in the present writ petition. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS III)

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+1 CC to M/s.GP (SR-19318[F] dated 07/10/2020)

+1 CC to M/s.T. ANTONY ARUL RAJ, Advocate (SR-19476[F] dated
08/10/2020)

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06.10.2020

NA (CO)

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