



WEB COPY

W.P(MD).No.8714 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.8714 of 2014

and

M.P. (MD) No.1 of 2014

M.Ganesan

... Petitioner

-Vs-

- 1.The Managing Director,
Tamil Nadu Water and Drainage Board,
Chepauk, Chennai - 5.
- 2.The Chief Engineer,
Tamil Nadu Water and Drainage Board,
South Zone, Madurai.
- 3.The Superintending Engineer,
Tamil Nadu Water and Drainage Board,
Ramnad Circle.
- 4.The Administrative Officer/Executive Engineer,
Tamil Nadu Water and Drainage Board,
Maintenance Division, Paramakudi,
Ramnad District.
- 5.The Administrative Officer/Executive Engineer,
Tamil Nadu Water and Drainage Board,
Maintenance Division, Salai Street,
Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the fifth respondent in connection with his impugned order in Lr.No.6762/Ko.Ve. Ni.oo/a7/2013, dated 12.02.2014 and quash the same as illegal and arbitrary and consequently, direct the respondents to promote the petitioner to the post of Electrician based the petitioner's representations dated 24.02.2014 and 05.03.2014 with all monetary and service benefits within the time limit that may be stipulated by this Court.

For Petitioner : Mr.S.Baskarmathuram

For Respondents : Mr.P.Mahendran,
Additional Government Pleader.



ORDER

The order, dated 12.02.2014, rejecting the claim of the writ petitioner to appoint him to the post of Assistant, is under challenge in the present writ petition.

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2.The writ petitioner is now working as Maintenance Assistant. He joined as a Contract Labour on 13.12.1994 and his services were regularised as Maintenance Assistant by the order of the fifth respondent, dated 14.10.1998. After regularisation of the services of the writ petitioner in the post of Maintenance Assistant, he submitted a representation to the first respondent on 08.03.2013 to promote him to the post of Electrician. In view of the fact that some of the co-workers were already promoted to the post of Electrician, the impugned order states that the writ petitioner claimed the promotion to the post of Electrical Assistant and there is no such post is available in the Tamil Nadu Electricity Board.

3.This Court is of the considered opinion that whether the petitioner is claiming the post of Electrical Assistant or promotion to the post of Electrician or to any post, the same cannot be entertained and all promotions and appointments are to be made strictly in accordance with the Rules in force. If the petitioner is otherwise eligible, his case is to be considered in accordance with the Rules in force and as per his seniority in the post, in which, he is now working. The petitioner is continuing in service as of now. Thus, his case is to be considered for promotion to the higher post, whenever, the panel for promotion is required. In other words, the petitioner is to be considered along with all other eligible candidates who all are waiting to get promotion. Contrarily by filing the writ petition, the petitioner cannot seek any promotion or appointment to the particular post. Post or promotion can never be claimed as a matter of right. However, consideration for promotion is a right of an employee.

4.This being the principles to be followed, the reason stated in the impugned order is in accordance with the principles of law and there is no infirmity as such. Thus, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Managing Director,
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+1 CC to M/s.S. BASKAR MATHURAM, Advocate (SR-21184[F] dated 04/11/2020)

W.P. (MD) .No.8714 of 2014
04.11.2020

ARK(CO)
AP(18/11/2020) 3P 7C