



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.9641 of 2014

and

M.P.(MD)Nos.1 and 2 of 2014

WEB COPY

N.Mahalakshmi

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Labour and Employment (No.1) Department,
Secretariat, St. George Fort,
Chennai-600 009.

2.The Director of Employment and Training,
Guindy, Chennai-32.

... Respondents

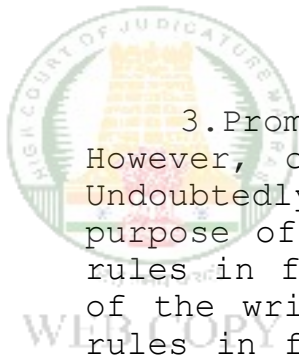
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Madamus, directing the respondents herein to consider the petitioner for promotion to the post of Deputy Director of Employment without reference to the expiry of currency of punishment of stoppage of increment for a period of three months without cumulative effect imposed by the second respondent in his proceedings in proceedings No.O Na 2/26043/2012, dated 08.01.2013 within the period that may be stipulated by this Court.

For Petitioner : Mr.Mohamed Imran
for M/s.Ajmal Associates
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to consider the representation submitted by the writ petitioner for promotion to the post of Deputy Director of Employment without reference to the expiry of currency of punishment of stoppage of increment for a period of three months without cumulative effect imposed by the second respondent, in proceedings, dated 08.01.2013.

2.The learned counsel appearing on behalf of the writ petitioner mainly contended that the writ petitioner was imposed with the punishment of stoppage of increment for a period of three months without cumulative effect. However, after the expiry of the punishment, the case of the writ petitioner was not considered for promotion to the post of Deputy Director of Employment.



3.Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is a right of an employee. Undoubtedly, all the eligible persons are to be considered for the purpose of promotion to the higher post and in accordance with the rules in force. This being the principles to be followed, the case of the writ petitioner is to be considered in accordance with the rules in force and by following the seniority. The grievances of the writ petitioner is that the representation in this regard is not considered. It is made clear that whenever the grievances are expressed by the employees, the authorities competent are bound to consider the same and take a decision and pass orders. In the present case, the right of promotion is claimed by the writ petitioner. This being the factum, the second respondent is directed to consider the representation submitted by the writ petitioner on 04.06.2014 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is permitted to enclose the copy of the representation on all relevant documents along with the order to the respondents.

4.Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The Principal Secretary, State of Tamil Nadu,
Labour and Employment (No.1) Department,
Secretariat, St. George Fort,
Chennai-600 009.

2. The Director of Employment and Training,
Guindy, Chennai-32.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-19392.

+1 CC to the SPL GP SR-19339.

W.P. (MD) .No.9641 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

06.10.2020

SJ(CO)

CS(15.10.2020) 2P 5C

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