



WEB COPY



W.P.No.29491 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29491 of 2015

and

M.P.Nos.1 & 2 of 2015

K.Mathaiyan

...Petitioner

-Vs-

1.Union of India,
Rep. by the Secretary,
Department of Fertilizers,
Ministry of Chemicals & Fertilizers,
Government of India,
Room No.217-A, Shastri Bhavan,
New Delhi - 110 001.

2.Madras Fertilizers Ltd., (MFL),
Rep. by its Chairman &
Managing Director (CMD),
Manali, Chennai - 600 068.

3.The General Manager (P&A),
Madras Fertilizers Ltd., (MFL),
Manali, Chennai - 600 068.

4.K.M.Rajamanoharan

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the proceedings of the 3rd respondent regarding selection to the post of Senior Analyst Programmer (E-1) through direct recruitment, published in their website and quash the same, as it is against the promotional policy of the Supervisor cadre and consequently direct the 2nd respondent to promote the petitioner to the post of Senior Analyst Programmer (E-1) as per the existing promotion policy.

For Petitioner	:	Mr.Stalin Abhimanyu
For R1	:	Mr.R.Rajesh Vivekananthan, SPC
For R2	:	Mr.P.Chandrasekar
For R3 & R4	:	No Appearance

ORDER

The relief sought for in the present writ petition is to quash the selection process for appointment to the post of Senior Analyst Programmer by way of direct recruitment. Further direction is sought for to promote the petitioner to the post of Senior Analyst Programmer, as per the Promotion Policy.

2. The learned counsel for the petitioner admitted the fact that no person was appointed during the relevant point of time when the selection



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was notified. The said selection process was dropped. However, during the pendency of the writ petition, the respondents have initiated action to fill up the post.

3. It is needless to state that after taking an administrative decision to fill up the post, the names of all the eligible persons, who are all aspiring to get promotion, must be considered in accordance with the Rules and based on the seniority, including the petitioner. Promotion per se cannot be claimed as a matter of right. However, consideration for promotion is a fundamental right. Thus, all the eligible persons can be considered according to the Rules in force at the time of initiating steps for preparation of panel and grant of promotion.

4. With this observation, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes
Speaking order/Non-speaking order
hvk

3/4



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S.M.SUBRAMANIAM, J.

hvk

To

The Secretary,
Union of India,
Department of Fertilizers,
Ministry of Chemicals & Fertilizers,
Government of India,
Room No.217-A, Shastri Bhavan,
New Delhi - 110 001.

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