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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9217 of 2019

R.Kannan ...Petitioner

Vs.

The Director,
Directorate of Employment and Training,
Guindy,
Chennai – 600 032. Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents to promote the petitioner notionally as Training officer from the Seniority List issued by the Respondent in Se.Mu.Annai.Tho.Nu.Pa. 1/44072/2015 Dated14-12-2015 with all Service and Monetary benefits on par with his Juniors more particularly within a time frame.

For Petitioner : Mr.S.Rajkumar

For Respondent : Mr.G.Nanmaran
Special Government Pleader

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ORDER

The claim of the writ petitioner is that he was retired from service on 31.03.2018 and there was a vacancy available in the post of Training Officer and therefore, he may be promoted to the said post.

2.Promotion *per se* cannot be claimed as an absolute right. Consideration for promotion is a fundamental right of an employee. All promotions are to be made strictly in accordance with the rules in force. Mere availability of vacancies is not a ground to claim promotion. Only if promotions are granted in violation of Rules or the name of the employee was overlooked without any valid reasons and contrary to the Rules, then alone the employee is eligible to claim retrospective promotion on par with his juniors. In the present case, the juniors to the petitioner were promoted after his retirement and therefore, the petitioner cannot claim any promotion on par with his juniors as per the seniority list.

3.On the date of retirement of the writ petitioner none of his juniors were promoted to the higher post of Training Officer. More so, even before preparation of panel for promotion to the post of Training Officer, the petitioner attained the

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age of superannuation on 31.03.2018, Thus, the availability of vacancy or even preparation of panel including the name of the petitioner would not confer any right to claim promotion. Only if any promotion is granted to any of the junior when the petitioner was in service, then alone such right can be claimed but not otherwise. This being the principles, the petitioner has not established even a semblance of legal right for the purpose of considering the relief as such sought for.

4.Accordingly, this writ petition stands dismissed. No Costs.

28.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

The Director,
Directorate of Employment and Training,
Guindy,
Chennai – 600 032.

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S.M.SUBRAMANIAM, J.

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