

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.12974 OF 2022

N.Mahesh Desai

... Petitioner

Vs.

1. The State of Tamil Nadu,  
Rep., by its Secretary to Government  
Environment and Forest Department,  
Fort.St.George,  
Chennai - 9.
2. The Principal Chief Conservator of Forests,  
Head of Forest Force,  
Panagal Building,  
Saidapet,  
Chennai - 15.
3. The District Forest Officer,  
Gudalur Division,  
The Nilgiris.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 30.07.2018 and 09.03.2022 in respect of promotion to the post of Forester by recruitment by transfer with all consequential benefits within time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.P.Anandakumar,  
Government Advocate.

O R D E R

The petitioner is working as Junior Assistant in the Forest Department. The next avenue for promotion is to the post of Assistant. However, the petitioner seeks promotion by way of

transfer to the category of "seeking transfer from Ministerial Service to Uniformed Services". Promotion per se cannot be claimed as a matter of absolute right by the employees. However, consideration for promotion is a fundamental right of an employees and all promotions are to be made strictly in accordance with the rules in force, whenever an administrative decision is taken to grant promotion to the employees.

2. The authorities competent are bound to consider the names of all the eligible persons who all are aspiring to secure promotion in the light of seniority and in accordance with the rules pertaining to eligibility and suitability.

3. This being the principles to be followed for the purpose of grant of promotion, the petitioner seeks promotion by way of transfer from Ministerial services to Uniformed service. The permissibility of such promotion in the case of the petitioner is to be considered strictly in accordance with the Rules in force and along with all other candidates and at the time of preparation of panel, by taking an administrative decision in this regard.

4. With these clarifications, this Writ Petition stands disposed of. No costs.

Sd/-  
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,  
State of Tamilnadu,  
Environment and Forest Department,  
Fort.St.George,  
Chennai - 9.
2. The Principal Chief Conservator of Forests,  
Head of Forest Force,  
Panagal Building,  
Saidapet,  
Chennai - 15.

3. The District Forest Officer,  
Gudalur Division,  
The Nilgiris.

+1cc to M/s.K.Jenitha, Advocate, S.R.No.31647

+1cc to the Government Pleader, S.R.No.31610

W.P.No.12974 of 2022

PA(CO)  
RLP(26/05/2022)