



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

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

W.P.No.11874 of 2014

&

M.P.No.1 of 2014

1.V.Sivakumar
2.D.Andu
3.K.Muthumani

... Petitioners

-Vs-

1. The Secretary to Government,
Public Works Department,
Fort St.George, Chennai - 09.

2. The Engineer in Chief (WRO)
cum Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 05.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to include the names of the petitioners in the panel of the year 2011-2012 for the post of Assistant Executive Engineer and Consequently direct the respondents to appoint the Petitioners in the Post of Assistant Executive Engineer within a stipulated period.

For Petitioners : Mr.S.Mahesh
for Mr.V.Vijay Shankar

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This writ petition is filed to direct the respondents to include the name of the petitioners in the panel of the year 2011-2012 for the post of Assistant Executive Engineer.



2. Promotion per se cannot be claimed as an absolute right. However, consideration for promotion is a Fundamental Right of an employee. In the event of taking an administrative decision to fill up the promotional post, the competent authorities are bound to consider the names of all the eligible employees, who are all waiting for promotion. Thus, inclusion of the names of the eligible persons are to be considered based on the Rules and in accordance with seniority.

3. In the present case, the petitioners seek the relief to direct the respondents to include the names of the petitioners in the panel of the year 2011-2012 for promotion to the post of Assistant Executive Engineer and consequently direct the respondents to appoint the petitioners as Assistant Executive Engineers. Direction to appoint the petitioners cannot be issued by this Court as their names were not even included in the panel 2011-2012. The petitioners could not able to establish that anyone of their juniors were promoted to the said post of Assistant Executive Engineer with reference to the panel year 2011-2012.

4. This being the factum, the petitioners are at liberty to approach the respondents, if at all anyone of their juniors were promoted overlooking the seniority or without considering the names of the petitioners, but not otherwise. It is made clear that, if at all the petitioners could able to establish violation of Rules or otherwise then their case is to be considered in accordance with the rules in force and this being the principles to be followed, the petitioners are at liberty to approach the authorities for redressal of their grievances.

5. With the above observations, the Writ petition stands disposed of. No costs. Connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Secretary to Government,
Public Works Department,
Fort St.George, Chennai - 09.



2. The Engineer in Chief (WRO)
cum Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 05.

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+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.35498
+1cc to the Government Pleader, S.R.No.34902

W.P.No.11874 of 2014

PL (CO)
CT/24/06/2022