



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

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

W.P.No.3561 of 2014

M.P.No.1 of 2014

S.Sarala

...Petitioner

-Vs-

1. The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai -1.

2. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai, Chennai - 1.

...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 give promotion to the petitioner as Junior Administrative Officer according to the seniority on par with the junior with effect from 24.12.2013 with all attendant and consequential benefits including pay fixation, arrears, seniority.

For Petitioner : Mr.V.Vijay Shankar

For Respondents: Mr.R.Karthikeyan
Standing Counsel

ORDER

The relief sought for in the present writ petition is to give promotion to the petitioner as Junior Administrative Officer according to his seniority.

2.Promotion per se cannot be claimed as absolute right by the employees. All promotions are to be made strictly in regard to the rules in force and by following the seniority. However, consideration for promotion is a fundamental right of an employee. Thus, in the event of taking an administrative decision to fill up the higher post, the authorities competent are bound to consider the name of all eligible persons who are all aspiring to promotion in accordance with the rules in force.



3.This being the general principles followed by the competent authority at the time of grant of promotion to the higher post, the grievance of the writ petitioner is that some of her juniors were promoted to Junior Administrative Officer overlooking her name. Thus, the writ petitioner is constrained to move the present writ petition.

4.The learned counsel for the petitioner drew the attention of this Court with reference to the order dated 24.12.2013, where one Sri Hashmath Hussain, Office Superintendent was promoted as the Junior Administrative Officer and he was junior to the writ petitioner. However, the promotion order has not been challenged by the petitioner and relief sought for in the present writ petition is to direct the respondents to promote the petitioner.

5.Courts cannot issue any direction to promote a employee and the Courts are empowered to direct the authorities to consider the case for inclusion in accordance with the rules in force. Perusal of the said order dated 24.12.2013 reveals that Mr.Hashmath Hussain was promoted purely on Ad-hoc basis for a period of 6 months under Regulations 28 of the Chennai Port Trust Employees (RSP) Regulations, 2008, from date he assumes charge of the post. Therefore, it was an Ad-hoc promotion granted to the said Hashmath Hussai, more specifically for a period of six months alone. Thus, the said order would not confer any right on the petitioner to claim regular promotion through the present writ petition.

6. The respondents are bound to follow the rules and the seniority by considering the eligibility and other criteria while preparing the regular panel for promotion to the post of Junior Assistant Officer. If at all the petitioner is otherwise eligible in accordance with the rules, then her case also to be considered along with all other eligible candidates who are all waiting for such promotion to the post of Junior Assistant Officer.

7. With the above observations, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mrm



To

1. The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai -1.

2. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai, Chennai - 1.

+1cc to M/s.V.Vijay Shankar, Advocate, S.R.No.32961

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.32424

W.P.No.3561 of 2014

PL(CO)
RGA(20/06/2022)