



WEB COPY

W.P.No.26384 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26384 of 2014

S.Venkataramanan

...Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. by its Principal Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai-9.
2. The Commissioner,
Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai-600 015.
3. The Project Director,
Tsunami Project Implementation Unit,
Rural Development & Panchayat Raj Department,
Chennai-600 001.
4. The District Collector,
The Nilgiris, Udthagamandalam.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the letter of the 1st respondent in Letter No.25258/ E3/10-1 RD & PR (E3) Department dated 07.01.2011 deferring petitioner's name from the panel for

1/5



promotion to the post of Assistant Executive Engineer for the year 2010-2011 and the consequential order of reversion passed in Se.Mu.No.10204/10/EE1 dated 28.2.2011 passed by the 2nd respondent herein and quash the same and consequently direct the 1st respondent herein to include the petitioner's name in the panel for promotion to the post of Assistant Executive Engineer for the year 2010-2011 together with all service benefits.

For Petitioner : Mr.N.Umapathi

For Respondents : Mrs.E.Indhumathi
Government Advocate

ORDER

The petitioner is working as Assistant Engineer in the Highways Department. The next avenue for promotion is to the post of Assistant Executive Engineer.

2.The petitioner states that he is fully qualified for promotion to the post of Assistant Executive Engineer but his name was deferred on account of the fact that the punishment of Censure is imposed on him by the first respondent Government in G.O.Ms.No.347 RD & PR (E3) Department dated 31.07.2014.



3. The currency for the punishment of Censure is one year and therefore, the case of the writ petitioner is to be considered after the expiry of the currency period and by following the procedures as contemplated.

4. Promotion per se cannot be claimed as an absolute right, however, the consideration for promotion is a fundamental right of every employee. While an administrative decision is taken to fill up the promotional post, the authorities competent are bound to consider the names of all the eligible persons who all are aspiring to secure promotion in the order of seniority. Thus, the case of the writ petitioner is to be considered along with the other persons who all are also waiting for promotion to the higher post. It is needless to state that the procedures, as contemplated, and also the eligibility have to be scrutinized before including the names of persons in the panel for promotion.

5. In the present case, the punishment of Censure was issued in proceeding dated 31.07.2014 and the said punishment had already expired. Thus, the respondents have to consider the name of the writ petitioner whenever a regular panel is prepared for promotion to the post of Assistant



Executive Engineer.

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6. With these clarifications, this writ petition stands disposed of. No costs.

13.10.2022

Index : Yes
Speaking order
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To

1. The Principal Secretary,
Government of Tamilnadu,
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Fort St. George, Chennai-9.
2. The Commissioner,
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Panagal Building, Saidapet,
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S.M.SUBRAMANIAM, J.

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