



W.P.No.19295 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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C.Panneer Selvam

...Petitioner

Vs.

1.The District Collector,
District Collector Office,
Erode District.

2.The Assistant Director,
Town Panchayat,
Erode District.

3.The Executive Officer,
Anthiyur Town Panchayat,
Erode District.

..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 of proceedings of the 3rd respondent in Na.Ka.No.28/2016 dated 05.7.2017 quash the same and subsequently directing the 3rd respondent to prepare a fresh promotion list pursuant to G.O.(Ms).No.205 dated 23.3.1989, Municipal Administration and Water Supply Department.



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For Petitioner : Mr.K.Thenrajan
For R1 : Mr.D.Gopal
Government Advocate
For R2 : Mr.K.Surendran
Additional Government Pleader
For R3 : Mr.M.Digvijayapandian

ORDER

The proceedings dated 05.07.2017, publication of seniority list is under challenge in the present writ petition.

2. The petitioner states that he was appointed as Sanitary worker on consolidated pay salary in Olagadam Town Panchayat, Erode District. The services of the writ petitioner was regularized by the first respondent in proceedings dated 21.12.2012. Accordingly, he became the regular employee of the Town Panchayat and therefore, he is eligible for promotion to the post of Sanitary Supervisor.



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3. The learned counsel for the petitioner made a submission that the post of Sanitary Supervisor fell vacant and the name of the writ petitioner was not considered for promotion.

4. The learned counsel for the 3rd respondent / Town Panchayat made a submission that initially the petitioner was working at Olagadam Town Panchayat, wherein, he was appointed. However, on regularisation, the petitioner was transferred to Anthiyur Panchayat, which is a different Town Panchayat and a separate unit. Therefore, the seniority of the writ petitioner was fixed based on the date of joining in the third respondent/Town Panchayat. That apart, the post of Sanitary Supervisor was filled up by way of Direct Recruitment and not by way of promotion. Therefore, the petitioner cannot claim promotion to the post of Sanitary Supervisor.

5. Promotion perse cannot be claimed as an absolute right. However, consideration for promotion is a Fundamental Right of an employee. Whenever a panel for promotion is prepared, then the names of all the eligible persons are to be considered.



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6. Therefore, the case of the writ petitioner is to be considered, whenever a regular panel of persons fit for promotion is prepared and published.

7. Thus, the relief as such sought for in the present writ petition deserves no merit consideration. Accordingly, the writ petition stands dismissed. No costs.

17.10.2022

Index : Yes
Speaking order: Yes
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To

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Erode District.
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S.M.SUBRAMANIAM, J.

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