



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.14232 of 2019

W.M.P. (MD) No. 10698 of 2019

WEB COPY

1.R.Nedusezhian

2.R.Ramesh

... Petitioners

Vs.

The Director

Department of Horticulture & Plantation Crops

Ezhilagam

Chepaukam

Chennai 5.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondent to fix the final seniority list of Assistant Horticulture Officer in Tamil Nadu Horticulture Department based on the representation of the petitioners dated 24.05.2019 and consequently draw the promotion panel and grant promotion based on the newly drawn final seniority list to the post of Deputy Horticulture Officer in Tamilnadu Horticulture Department.

For Petitioners

: Mr.B.Prasanna Vinoth

For Respondent

: Mr.A.K.Manikkam

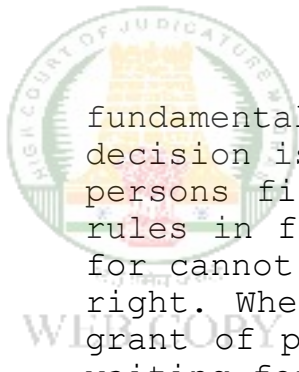
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondent to fix the final seniority list of Assistant Horticulture Officer in Tamil Nadu Horticulture Department based on the representation of the petitioners dated 24.05.2019 and consequently draw the promotion panel and grant promotion based on the newly drawn final seniority list to the post of Deputy Horticulture Officer in Tamilnadu Horticulture Department.

2. The grievance of the writ petitioners is that the final seniority list has not been published and in this regard, they made a representation.

3. This Court is of the considered opinion that promotions are to be considered based on the rules in force and in accordance with the seniority of the employees. Therefore, the relief sought for in the writ petition to direct the respondent to draw promotion panel cannot be granted. Promotions cannot only be claimed as an absolute right of an employee. Consideration for promotion of employee is a



fundamental right of an employee. Therefore, if an administrative decision is taken to fill up the higher post, then panel of eligible persons fit for promotion is to be prepared in accordance with the rules in force and based on the seniority. Thus, the prayer sought for cannot be granted as promotions cannot be claimed as a matter of right. Whenever a decision is taken by the authority competent for grant of promotion, the names of all eligible persons, who are all waiting for promotion are to be considered.

4. In this regard, if the petitioners are qualified for promotion, at the time of preparation of panel, then their cases also to be considered in accordance with the rules in force. With this clarification, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

The Director
Department of Horticulture & Plantation Crops
Ezhilagam
Chepaukam
Chennai 5.

+1 CC to M/s.B. PRASANNA VINOTH, Advocate (SR-18422[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18608[F] dated 13/04/2022)

W.P. (MD)No.14232 of 2019

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MGJ(28.04.2022) 2P 4C