



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.14330 of 2019

and

W.M.P.(MD) Nos.10757 of 2019 & 8220 of 2021

V.Murugan

... Petitioner

-vs-

1. The Chief Secretary to Government of Tamilnadu,
Personnel and Administrative Reforms(F) Department,
Fort St. George, Chennai-9.

2. The Managing Director,
Tamil Nadu Forest Plantation Corporation Ltd.,
(An Undertaking of Government of Tamil Nadu),
Karur Salai, Mallachipuram,
Kambarasampettai, Trichy-620101.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to promote the petitioner by taking into consideration of the petitioner entire service from the petitioner's date of appointment on 15.12.1997 in view of the order in WP(MD) No.16920 of 2013, dated 03.01.2017.

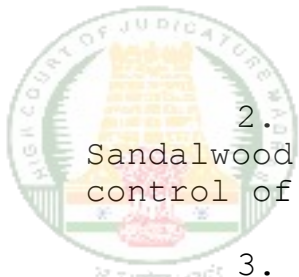
For Petitioner : Mr.T.A.Ebenezer

For R1 : Mr.M.Ramesh,
Government Advocate

For R2 : Mr.Aayiram K.Selvakumar

O R D E R

The relief sought for in the present writ petition is to direct the 2nd respondent to promote the petitioner by taking into consideration of the petitioner's entire service from his date of appointment on 15.12.1997 in view of the order in WP(MD) No.16920 of 2013, dated 03.01.2017.



2. The petitioner was appointed as Carpenter in the Sandalwood Products Factory, Thekkupattu, which was under the control of the 2nd respondent in the year 1997.

3. The grievance of the writ petitioner is that he made several representations for grant of promotion, as he is working continuously in the same post.

4. Promotion *per se* cannot be claimed as a matter of an absolute right. All promotions are to be made strictly in accordance with the rules in force. However, consideration for promotion is a fundamental right of an employee. Thus, the authorities, at the time of filling up of the post and while preparing the panel, must consider the names of all the eligible persons, who all are aspiring to secure promotion in accordance with the rules and in the order of seniority. These being the principles to be followed for grant of promotion, High Court cannot issue a direction to promote an employee based on his service or based on his representation. Only if the promotions are granted in violation of the rules in force, then alone the High Court can interfere with the order, but not otherwise.

5. The Hon'ble Supreme Court even recently ruled that promotion can never be claimed as a matter of right and the consideration for promotion alone is the right in the case of ***Union of India and another vs. Manpreet Singh Poonam*** reported in ***CDJ 2022 SC 291***. Therefore, the relief as such sought for cannot be granted. However, in the event of taking a decision to fill up the promotional post, at the time of preparation of panel, if the petitioner is otherwise eligible in accordance with the rules, then his name is also to be considered along with all other eligible persons.

6. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

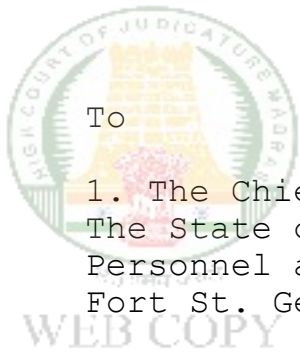
Assistant Registrar (AD-I)

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Sub Assistant Registrar(CS)

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To

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The State of Tamil Nadu,
Personnel and Administrative Reforms(F) Department,
Fort St. George, Chennai-9.

2. The Managing Director,
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+1 CC to M/s.SPL.GP. (SR-18580[F] dated 13/04/2022)

+1 CC to M/s.T.A. EBENEZER, Advocate (SR-18800[F] dated
13/04/2022)

W.P. (MD) No.14330 of 2019
12.04.2022

RK(29/04/2022) 3P 5C