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W.P.(MD)No.14007 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.14007 of 2018

V.Amaravathi

... Petitioner

Vs.

1.The Secretary to Government,
Home Department, Secretariat,
Chennai-9.

2.The Registrar General,
High Court, Madras-600 104.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned order passed by the 2nd respondent in ROC.No.3107/2015/RG/B1/Spl.Cell,, dated 03.09.2015 and quash the same as arbitrary and consequently, directing the respondents to give notional promotion to the petitioner on par with her immediate junior in the light of G.O.Ms.No.203, Personnel and Administrative Reforms (Per.S) Department, dated 30.10.2000 and sanction all service and monetary benefits within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.S.Srinivasa Raghavan,
For Mr.D.Srinivasaragavan
For R1 : Mr.S.Kameswaran, Government Advocate
For R2 : Mr.K.Samidurai

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The order of rejection dated 03.09.2015 regarding the claim of the writ petitioner for notional promotion to the post of District Judge (Entry Level) with effect from 20.04.2015 along with one notional increment, is under challenge in the present Writ Petition.

2.The petitioner was appointed as District Munsif Cum Judicial Magistrate on 02.03.1998 and reached upto the level of Chief Judicial Magistrate. Admittedly, the petitioner attained the age of superannuation on 31.05.2015 and allowed to retire from service peacefully.

3.The panel for promotion to the post of District Judge (Entry Level) was published by the Judicial Administration in proceedings dated 20.04.2015,



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which was notified on 11.06.2015. However, the panel was not acted upon admittedly before the date of retirement of the writ petitioner on 31.05.2015. But it was acted upon subsequently after the retirement of the writ petitioner and therefore, the petitioner lost her opportunity to secure promotion to the post of District Judge (Entry Level).

4.The learned counsel appearing for the petitioner mainly contended that it is not the fault of the writ petitioner and such administrative delay cannot deny the right of promotion to the petitioner to the post of District Judge (Entry Level). Thus, the petitioner is entitled for the relief.

5.The learned counsel appearing for the 2nd respondent objected the said contention by stating that the panel was not acted upon due to administrative reasons and such reasons would not confer any right to the petitioner to seek retrospective promotion to the post of District Judge (Entry Level) with effect from 20.04.2015. Admittedly, the petitioner was not promoted till the date of her retirement and nor any one of her junior was promoted to the post of District Judge (Entry Level) and therefore, the petitioner is not entitled for the relief.



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6.Promotion *per se* is not an absolute right of an employee.

Consideration for promotion is a fundamental right of an employee. All promotions are to be granted strictly in accordance with the rules in force and by considering the names of all eligible officers, who all are aspiring to secure promotion in the order of seniority.

7.In the present case, the name of the petitioner was admittedly considered and included in the panel published on 20.04.2015 in serial No.8. However, none of the junior to the petitioner was promoted prior to the date of her retirement on 31.05.2015. That being the factum, the claim of the petitioner is not entertainable.

8.Mere publication of panel would confer no right to the officer to claim promotion as a matter of right. Preparation of panel is an administrative affair of the department and when the junior has been promoted overlooking the name of the senior, right occurs for claiming promotion, but not otherwise. Therefore, the claim of the petitioner is beyond the scope of the settled legal principles. Thus, we are not inclined to entertain this Writ Petition. Accordingly, the order impugned stands confirmed and this Writ Petition stands dismissed. No costs.



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9.It is needless to state that reasons are live link to an order and therefore, judicial administration is expected to give reasons, while admitting or rejecting the claim of the judicial officers. Therefore, while disposing of the representation / statutory appeals or petitions, the judicial administration has to give reasons for arriving decision in the manner known to law. Such reasons alone would be of assistance to the litigants to place their legal grounds.

(S.M.S., J.) & (V.L.N., J.)

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The Secretary to Government,
Home Department, Secretariat,
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