



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01-03-2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM  
And  
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WP No.996 of 2020**

T.Velmurugan

.. Petitioner

-VS-

1.The Registrar-General,  
High Court of Madras,  
Chennai-600 104.

2.The Principal District Judge,  
Salem.

3.The District Munsif,  
Omalur,  
Salem District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India,  
praying for the issuance of a Writ of Mandamus, directing the second



respondent to promote the petitioner to the post of Senior Sheristadar (Category-II) for the existing vacancies as per the report of the third respondent dated 29.04.2019 and fix the seniority of the petitioner herein as on 01.07.2018 as per the existing Seniority List with back wages.

For Petitioner : Mr.J.Jayamalan

For Respondents : Mr.Anand Subramanian

**ORDER**

**[ORDER OF THE COURT WAS MADE**

**BY S.M.SUBRAMANIAM, J.]**

The relief sought for in the present writ petition is to direct the second respondent to promote the petitioner to the post of Senior Sheristadar (Category-II) for the existing vacancies as per the report of the third respondent dated 29.04.2019 and fix the seniority of the petitioner herein as on 01.07.2018 as per the existing Seniority List with back wages.

2. Promotion cannot be claimed as an absolute right. Consideration for promotion is a fundamental right of an employee. All promotions are to be granted strictly in accordance with the Rules in force.



Whenever the process of promotion is undertaken, the Competent Authority has to consider the names of all the eligible persons, who all are waiting to secure promotions in accordance with the Rules in force.

3. In the present case, the petitioner is facing departmental disciplinary proceedings. A charge memo under Rule 17(b) of the Discipline and Appeal Rules, was issued and the petitioner filed a writ against the charge memo, which was dismissed. Subsequently, after completion of enquiry proceedings, second show cause notice issued seeking further explanations, is also challenged by way of another writ petition, namely, WP No.12671 of 2022 which is dismissed on 01.03.2024.

4. During the pendency of the departmental disciplinary proceedings, the petitioner is not eligible to seek promotion to the higher post. After the disposal of departmental disciplinary proceedings and if the petitioner is exonerated from the charges, he can seek promotion in accordance with the Rules in force.



5. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs.

**(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)**

**01-03-2024**

Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
Svn



To

WP No.996 of 2



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WP No.996 of 2



**S.M.SUBRAMANIAM, J.**  
**AND**  
**K.RAJASEKAR, J.**

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WP 996 of 2020

01-03-2024