



WP.No.34734 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.34734 of 2018

A.Segar,
Sanitary Maistry Grade II
Puducherry Municipality,
Puducherry.

...

Petitioner

/vs/

1) The Secretary to Government (LAD),
Chief Secretariat,
Puducherry 605 001.

2) The Director,
Local Administration Department,
Puducherry 605 001.

3) The Commissioner,
Puducherry Municipality,
Puducherry 605 001.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to promote the petitioner for the post of Sanitary Maistry Grade II with effect from 20.12.1997 and further promotion to the post of Sanitary Maistry Grade I with effect from 01.01.2001 and further



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promote the petitioner to the post of Sanitary Inspector Grade II with effect from 01.01.2006 with all consequential benefits.

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For Petitioner : Mr.P.Suresh
For Respondents : Mr.M.Nirmalkumar,
Government Advocate (Pondicherry)

ORDER

The petitioner has filed this Writ Petition seeking a writ of mandamus to direct the respondents to promote the petitioner for the post of Sanitary Maistry Grade II with effect from 20.12.1997 and further promotion to the post of Sanitary Maistry Grade I with effect from 01.01.2001 and further promote the petitioner to the post of Sanitary Inspector Grade II with effect from 01.01.2006 with all consequential benefits.

2.Heard Mr.P.Suresh, learned counsel for the petitioner, and Mr.M.Nirmalkumar, learned Government Advocate (Pondicherry) for the respondents and perused the materials available on record.

3.The petitioner was given with an appointment order as a Sanitary



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Assistant on compassionate grounds on 21.07.1993. The next level promotion post from Sanitary Assistant is Sanitary Maistry Grade II. The eligibility for promotion to the post of Sanitary Maistry Grade II is 2 years of service in the cadre of Sanitary Assistant.

4. The learned counsel for the petitioner submitted that the petitioner had acquired the qualification in the year 1995 with sufficient vacancies available during the relevant point of time, the petitioner was promoted after 14 years only with effect from 01.07.2004. Hence, the petitioner has given a representation stating that his promotion to the post of Sanitary Maistry Grade II should be given with effect from 20.12.1997 and his next-level promotion to the post of Grade I should be given effect from 01.01.2001 and then he should be promoted to Sanitary Maistry Grade II on 01.01.2006 with all consequential benefits.

5. Mr.M.Nirmalkumar, learned Government Advocate for the respondents submitted that the petitioner cannot claim promotion as a matter of right; just because the vacancies were there, the petitioner cannot be presumed to be entitled to be posted in the higher post unless he is found to be eligible and suitable for the post. The petitioner had accepted his earlier promotion, which was given in



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the year 2004, and during the pendency of this Writ Petition, he has been promoted to the next level promotion of Sanitary Maistry Grade I also.

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6. The petitioner had made a novel claim by keeping silent from the year 2004 when he got his first level promotion. The petitioner claims that there were vacancies available after the year 1995 and that he was eligible for the next level promotion and that he should be given with the promotion.

7. The petitioner claims a time-bound promotion as though he is assured of the time-bound promotion under the service rules governing him. Prescribing minimum qualifications for the next level promotion would only be an eligibility criteria and the fulfillment of that eligibility alone will not entitle a person to be promoted to the next level post unless he is found to be suitable for the said post. The petitioner has made a fancy claim by calculating the number of years of service from the date of his joining by taking into account of the qualifying service for the next level promotion and sought the relief. If the relief sought by the petitioner is granted, every person in service who had got a delayed promotion would claim that his promotion ought to have been given effect from the date on which they had acquired the eligibility of having qualifying years of



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service for promotion.

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8.The petitioner has got no satisfactory reason to convince the point of delay and latches. The petitioner had filed this petition on the presumption that possessing a qualifying service will always entitle a promotion. As promotion cannot be claimed as a matter of right, this petition is liable to be dismissed.

In the result, this Writ Petition stands **dismissed**. No costs.

24.02.2025

Index : Yes

Internet : Yes/No

Speaking: Non speaking order

Neutral: yes/No.

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R.N.MANJULA, J.
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- To
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