



WEB COPY



WA No. 2435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 2435 of 2023 AND
CMP NO. 20387 OF 2023**

1. The State Of Tamil Nadu
Rep. by its Secretary to Government, Tamil
Development and Information, (T.D.2.1)
Department, Secretariat, Chennai-600009.
2. The Chief Secretary to the Government of
Tamil Nadu, Secretariat, Chennai-600009

..Appellants

Vs

V. Kannapurakannan
S/o.Late Vaithiyalingam Pillai, Formerly Joint
Director of Tamil Development and Director of
Tamil Development-in-charge, (Retd.) Res at
No.2-B, Chandrasekaran Street, Radha Nagar,
Chromepet, Chennai-600044

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dt. 20.02.2023 made in WP No.15892/2016.

For Appellants :

Dr.R.Gouri, Government Counsel

For Respondent :

Mr. A.R.Suresh, for
Mr.K.Arumugam for Sole Respondent



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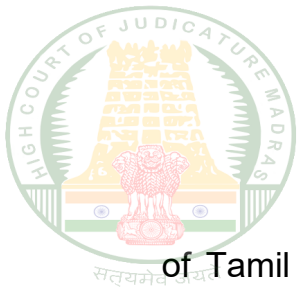
Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Governing legal principles for grant of promotions are,

- a) Promotion *per se* cannot be claimed as an absolute right by the employee.
- b) Consideration for promotion is a fundamental right of an employee.
- c) Administrative decision to be taken for filling up of the posts is the prerogative of the Government.
- d) If an administrative decision is taken to fill up the posts, then the names of all the eligible employees are to be considered for preparation of panel.
- e) Even preparation of panel would not confer any right for promotion.
- f) Pendency of disciplinary proceedings is a bar for promotion.
- g) Holding of incharge post would not confer any right to seek promotion.

2. In the present case, admittedly the respondent while working as Joint Director and posted as Director of Tamil Development (in-charge) and Director



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of Tamil Etymological Dictionary Project (additional charge). Admittedly, he was not regularly promoted to the said post. Thus, he seeks promotion merely on the ground that the Government ought to have prepared a panel of all eligible persons and should have promoted him as he was the senior most Joint Director during the relevant time.

3. Mere arising of a vacancy is not a ground to seek promotion. Posting a senior most officer to hold in-charge position would not constitute a ground for promotion. Therefore, the very claim set out by the respondent is not in consonance with the established legal principles. Filling up of posts, preparation of panel, grant of promotion are all administrative decisions to be taken by the competent authorities of the Government departments. Admittedly, in the present case none of the juniors to the respondent was promoted till the respondent attained the age of superannuation on 31.03.2009. Thus, consideration of the facts by the writ Court for grant of promotion is unnecessary, since none of the juniors to the respondent was promoted, nor the Government took a decision to fill up the post. Pertinently, the respondent was allowed to retire on 31.03.2009 and he filed the writ petition in the year 2016 on the ground that the Government rejected his multiple representations vide letter dated 12.08.2015. Thus, the very ground raised by the respondent in the writ petition are baseless and untenable.



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4. Therefore, the writ order dated 20.02.2023 in W.P.No.1589 of 2016 is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
15-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No

KST

To

- 1) The Secretary to Government,
Tamil Development and Information, (T.D.2.1)
Department, Secretariat, Chennai-600009.
- 2) The Chief Secretary to the Government
of Tamil Nadu, Secretariat, Chennai-600009



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AND
N.SENTHILKUMAR J.**

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