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W.A.No.1216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1216 of 2023

and

C.M.P.No.12333 of 2023

1. The Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat,
Chennai-600 009.
2. The Commissioner
Rural Development and Panchayat Raj Department
Panagal Building, Saidapet
Chennai-600 015.

... Appellants

vs.

M.Ramasamy
Assistant Director / Lecturer
Regional Institute of Rural Development
Krishnagiri Dam, Krishnagiri District
Now at 16, Sugam Illam
Kalyan Nagar, Perambalur Post
Perambalur District – 621 212.

... Respondent



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Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 27.09.2021 made in W.P.No.4925 of 2009 and allow the writ appeal.

For Appellants : Dr.R.Gouri
Government Counsel

For Respondent : Mr.S.N.Ravichandran
for Mr.T.Ranganathan

J U D G M E N T

[Made by **S. M. SUBRAMANIAM, J.,**]

Under assail is the writ order dated 27.09.2021 passed in W.P.No.4925 of 2009. The State preferred the present intra-Court appeal under Clause 15 of the Letters Patent mainly on the ground that the currency of the punishment held against the respondent with respect to the grant of promotion was overturned by the writ Court in violation of the applicable promotion Rules.

2. The facts in brief required for consideration are that the respondent was issued with a charge memorandum under Rule 17(a) of



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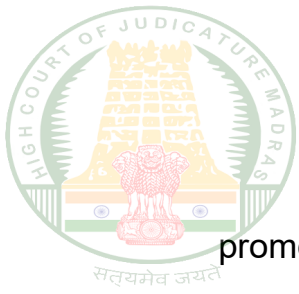
the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955

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[hereinafter "said Rules"]. The disciplinary proceedings ended with an order of punishment of stoppage of increment for three months without cumulative effect vide proceedings dated 12.12.2008.

3. In view of the said punishment imposed under Rule 8 of said Rules, the name of the respondent was not considered for promotion to the post of the Joint Director of Rural Development for the panel of the year 2008-2009. His name was passed over on the ground that he was imposed with the punishment in departmental disciplinary proceedings. The approved panel of officers fit for promotion to the post of the Joint Director was published by the Government on 09.01.2009. The crucial date for preparation of panel was 01.03.2008. Since as on the date of consideration for the preparation of the panel, the currency of the punishment existed, the name of the respondent was not considered for inclusion in the approved panel.

4. The learned Government Counsel, appearing on behalf of the appellants – State would mainly contend that, as per the Promotion Rules, pendency of charges under Rule 17(a) is not a bar for consideration for



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promotion. However, a punishment imposed under the said Rules is a bar for promotion. In the present case, the punishment was imposed on 12.12.2008 and therefore, the name of the respondent was passed over.

5. The learned counsel appearing for the respondent would oppose by stating that, if at all any punishment was imposed based on the charges framed under Rule 17(a), then such punishment need not be taken as currency for denying promotion. In other words, it was contended that punishment imposed based on charges framed under Rule 17(a) is not a bar for promotion.

6. This Court has considered the rival submissions made between the parties to the *lis* on hand.

7. Let us now consider the Promotion Rules applicable to the Government Servants in the State of Tamil Nadu.

8. Section 7 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 [hereinafter "said Act"] states about approved candidates. Accordingly, promotions shall be made by the Appointing



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Authority from the list of approved candidates. Such list shall be prepared in the manner as specified in the Schedule XI by the authority competent under the Special Rules.

9. Schedule XI, Part A of the Act stipulates the procedure for preparation of approved list. Clause I(1) states that “Based on the estimate of vacancies arrived, promotion or appointment to a post shall be made from a list of approved candidates prepared on the basis of merit, ability and seniority and other qualifications as prescribed in the Special Rule for the post. The seniority of a member of service shall be determined by the rank obtained by him in the list of approved candidates drawn up by the Tamil Nadu Public Service Commission or the Appointing Authority, as the case may be, subject to the rule of reservation where it applies. The merit, ability and other aspects shall be assessed over a period of five years as per Annual Confidential Reports and punishments, if any, imposed”. Clause II(17) denotes that “Any punishment imposed on a member of service under Rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules shall take effect from the date on which the said punishment order is served to the member of service concerned and the name of such member of service shall not be considered for inclusion



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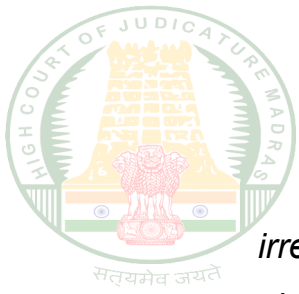
in the approved list until the said punishment is over”.

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10. Therefore, under the said Act, any punishment imposed under Rule 8, whether on initiation of 17(a) charges or 17(b) charges, it is to be held against the officer for promotion. In the context of the above provision under the said Act, the Government issued consolidated instructions vide Letter No.18824/S/2005-2, Personnel and Administrative Reforms (S) Department, dated 07.10.2005. The effect of punishment on inclusion in the panel has been stated in Clause II(v)(b) of the consolidated instructions. It states that, “Any punishment, other than ‘Censure’ imposed on an officer within a period of five years prior to the crucial date and a punishment of “censure” within a period of one year prior to the crucial date (or censure imposed after the crucial date, but before actual promotion) should be held against the officer. In such a case, the officer’s name should be passed over.

11. Regarding the currency of punishment, the Government policy reads as under:

“Whenever an officer is undergoing any punishment, other than Censure, on the crucial date or on the date of consideration, then



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irrespective of the time of occurrence of the irregularity, his name should be passed over for that panel. If the currency of punishment continues at the time of subsequent consideration for the next panel (s), he should still be passed over on the grounds that an officer should not be considered for promotion or promoted during the currency of any punishment. After the completion of its currency, no punishment should be held, once again, against an official even it falls within the check period of any panel, if it has already been held against the official on any earlier occasion.”

12. A holistic consideration of the provisions under the said Act and the procedures contemplated for preparation of the approved list of officers for promotion makes it unambiguously clear that any punishment imposed under Rule 8 of the said Rules is a bar for grant of promotion. The very objective of these guidelines is that tainted officials are not promoted. Therefore, several clarifications have been issued to ensure that, till such time, an actual order of promotion is issued, charges framed under Rule 17(b) and currency of punishment are treated as a bar for inclusion of the name of an officer in the approved list and for promotion.

13. In the present case, admittedly, the crucial date for preparation of approved panel was 01.03.2008 for the panel year 2008-2009. The



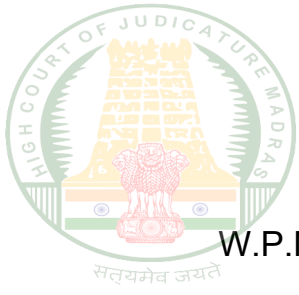
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punishment of stoppage of increment for three months without cumulative effect was imposed by the competent authority vide proceedings dated 12.12.2008. The approved panel for promotion to the post of the Joint Director was published by the Government on 09.01.2009. Thus, as on the date of publication of the approved panel, the respondent was suffering currency of punishment and thus, his name was rightly passed over.

14. Insofar as the challenge made against the punishment is concerned, charges under Rule 17(a) are framed, an opportunity was afforded to the respondent to defend his case and on receipt of his explanation, a minor punishment of stoppage of increment for three months without cumulative effect was imposed. Since the principles of natural justice have been complied with and procedure as contemplated under Rule 17(a) of the said Rules had been followed, this Court does not find any infirmity in the order of punishment issued by the competent authority.

15. In view of the reasons stated in the aforementioned paragraphs, the order passed by the writ Court dated 27.09.2021 passed in



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W.P.No.4925 of 2009 is set aside and the Writ Appeal stands allowed.

WEB COMMENTS
Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (N.S.,J.)
06.07.2026

Index : Yes
Neutral Citation : Yes / No
Speaking order
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