



WEB COPY

WP No. 24548 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 24548 of 2024

AND

WMP NO. 26857 OF 2024, WMP NO. 26858 OF 2024, WMP NO. 26859 OF 2024

A.Raja

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. By Its Secretary To Government, Tamil
Development And Information Department,
Secretariat, Fort St. George, Chennai-600 009.
2. The Director
Information And Public Relations And Ex-
officio Deputy Secretary To Government,
Tamil Development And Information
Department, Secretariat, Fort St. George,
Chennai-600 009.

..Respondent(s)

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus Call for the records relating to the impugned order issued by the 1st respondent in Government Letter No.970/ Nir.1/ 2024 dated 08.05.2024 and to quash the same and consequently directing the respondents to promote the petitioner to the post of Joint Director as on 16.09.2020 on par with juniors with all



consequential and other attendant benefits, including salary benefits within a time frame to be fixed by this Honourable Court.

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For Petitioner(s):

Mr.G.Sankaran, Senior Counsel for
Mr.S.Nedunchezhiyan

For Respondent(s):

Mr.T.Gowthaman, AAG, Assisted by Mr.AR
Balaji, Govt. Advocate for R1 and R2.

ORDER

This Writ Petition has been filed for the following reliefs:-

“Call for the records relating to the impugned order issued by the 1st respondent in Government Letter No.970/ Nir.1/ 2024 dated 08.05.2024 and to quash the same and consequently directing the respondents to promote the petitioner to the post of Joint Director as on 16.09.2020 on par with juniors with all consequential and other attendant benefits, including salary benefits within a time frame to be fixed by this Honourable Court.”

Brief Facts:-

2. The petitioner was initially appointed as Assistant Public Relations Officer (Publicity) in the Information and Public Relations Department in the year 1995. Thereafter, on the basis of seniority and eligibility, the petitioner was promoted as Assistant Public Relations Officer (Information) in 1999, Public Relations Officer in 2007, Assistant Director in 2017, and Deputy Director on 05.09.2018 vide G.O.Ms.No.190, Tamil Development and Information



Department. The next avenue of promotion available to the petitioner is to the post of Joint Director.

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3. The petitioner would submit that while he was promoted as Deputy Director, several officers junior to him, namely, Thiru. R. Baskaran, Thiru. Tamil Iniyan, Thiru. R. Anna, Tmt. P. Kalaimathy, Thiru. Tamil Selvarajan and Thiru. M. Vetrichelvan, were also promoted. Subsequently, by G.O.(D).No.99, dated 16.09.2020 and other Government Orders, the said juniors were promoted as Joint Directors, whereas the petitioner was not considered for promotion to the said post.

4. Aggrieved by the non-consideration of his claim, the petitioner submitted a representation seeking promotion as Joint Director based on his seniority. Since the same was not considered, the petitioner filed W.P.No.35000 of 2023, wherein this Court, by order dated 20.12.2023, directed the first respondent to consider the petitioner's representation dated 26.04.2023 on merits and in accordance with law.

5. Pursuant thereto, the first respondent passed the impugned order dated 08.05.2024, rejecting the petitioner's claim on the followings grounds:-

(i) the petitioner had been promoted to the posts of Assistant Director and Deputy Director only on a temporary basis under Section 47 of the Tamil Nadu



Government Servants (Conditions of Service) Act, 2016 (hereinafter referred to as the “Act”);

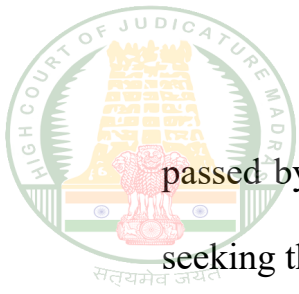
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(ii) sanction for prosecution had been accorded against the petitioner, who was alleged to have indulged in job racketing, in G.O.Ms.No.43, Tamil Development and Information Department, dated 05.03.2021; and

(iii) disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (hereinafter referred to as the “Rules”) were pending against the petitioner pursuant to a charge memorandum issued to the petitioner dated 25.04.2022.

6. The petitioner would submit that on the crucial date, namely 16.09.2020, when his juniors were promoted as Joint Directors, neither any sanction for prosecution nor any charge memorandum under Rule 17(b) of the Rules was pending against him. The charge memorandum was issued only on 25.04.2022, long after the promotions had been effected. Further, one of the promoted officers, Thiru. M. Vetrichelvan, who is junior to the petitioner and who is also covered by the very same Government Order sanctioning prosecution, had been promoted as Joint Director on 16.09.2020.

7. The grievance of the petitioner is that the respondents cannot selectively deny him promotion on the grounds stated supra, while extending the very same benefit to his juniors. Therefore, challenging the impugned order



passed by the 1st respondent on 08.05.2024, the petitioner is before this Court seeking the reliefs stated supra.

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8. Heard the learned counsel on either side and perused the records.

9. The petitioner's claim seeking promotion to the post of Joint Director, on par with his juniors, has been rejected by the 1st respondent vide impugned order dated 08.05.2024 on the following grounds:-

(i) the petitioner had been promoted to the posts of Assistant Director and Deputy Director only on a temporary basis under Section 47 of Act.

(ii) sanction for prosecution had been accorded against the petitioner, who was alleged to have indulged in job racketing, in G.O.Ms.No.43, Tamil Development and Information Department, dated 05.03.2021; and

(iii) disciplinary proceedings under Rule 17(b) of the Rules were pending against the petitioner pursuant to a charge memorandum issued to the petitioner dated 25.04.2022.

10. The contention of the learned AAG appearing on behalf of the respondents is that, since the petitioner's earlier promotions were only temporary, he cannot, as a matter of right, claim further promotion. Though this contention, at first blush, would appear reasonable, a perusal of the records reveals that the juniors of the petitioner, who were granted promotion on



16.09.2020 vide G.O.(D).No.99, were also temporary appointees. However, the petitioner alone has been singled out.

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11. Further, Section 47 of the Act provides that a temporary promotion may be granted in case of an emergency requiring the vacancy to be filled immediately, and such filling up is necessary in public interest. The temporary promotions are akin to temporary appointment. Section 17(3) of the Act clearly provides that a person appointed under Sub Section (1) of Section 17 should be immediately replaced by a member of service or approved candidate qualified to hold the post and in any case, the person shall not be continued beyond a period of one year from the date of his appointment.

12. The next ground on which the petitioner's request has been rejected is the pendency of 17(b) proceedings against him. However, the records reveal that the charge memo was issued to the petitioner only on 25.04.2022, whereas the temporary promotion was granted on 16.09.2020. Therefore, as on the crucial date of consideration, namely 16.09.2020, no charge memo or disciplinary proceedings were pending against the petitioner.

13. The Division Bench, in an unreported judgment in W.A.(MD) No.527 of 2025 dated 11.03.2025, has categorically held that the crucial date for determining the eligibility of an employee is the date of preparation of the panel

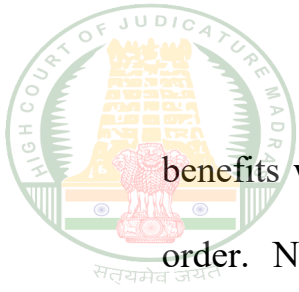


and not the date of actual promotion. The said conclusion was arrived at by placing reliance on Guideline 8 of Part II under Part A of Schedule XI, read with Section 7(1) of the Act. Therefore, the same analogy should be applied in the instant case as well.

14. The learned AAG would fairly concede that the defence taken by them in the counter affidavit that the petitioner had not passed the Account Test is not being pressed.

15. Therefore, considering the fact that similarly placed persons have been granted promotion and that no charge memo or disciplinary proceedings were pending against the petitioner on the crucial date, the petitioner is entitled to be considered for promotion. Further, it is seen that a similarly placed person, namely, Thiru. M. Vetrivelan, against whom sanction for prosecution had been accorded, has also been granted promotion to the post of Joint Director. Hence, the petitioner is entitled to the same benefit.

16. In view of the above, this Writ Petition is allowed and the impugned order passed by the 1st respondent dated 08.05.2024 is set aside. The respondents are directed to extend the benefit of promotion to the post of Joint Director to the petitioner, with effect from 16.09.2020, on par with his juniors, along with all consequential and other attendant benefits, including salary



benefits within a period of 6 weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

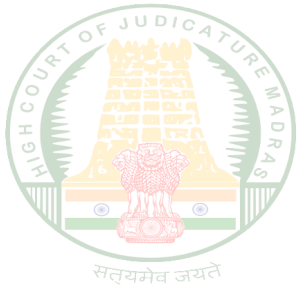
27-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHR

To

1. The State of Tamil Nadu
Rep. By Its Secretary To Government,
Tamil Development And Information Department,
Secretariat, Fort St. George, Chennai-600 009.
2. The Director
Information And Public Relations And Ex-officio Deputy Secretary To
Government, Tamil Development And Information Department,
Secretariat, Fort St. George, Chennai-600 009.



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