

W.P.(MD).No.18456 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.07.2026

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CORAM:

**THE HONOURABLE MR JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.(MD)No.18456 of 2026

and

W.M.P.(MD).No.13664 to 13666 of 2026

Dr.J.Hemamalini

... Petitioner

Vs

- 1.The State of Tamil Nadu
Rep by its Secretary,
Department of Health & Family Welfare
Fort St.George, Chennai-600 009
- 2.The Director of Medical Education,
and Research
162, EVRs Periyar Salai,
Kilpauk, Chennai 600 010
- 3.The Director of Public Health
and Preventive Medicine
359, Anna Salai, Chennai 600 006.
- 4.The Dean,
Government Madurai Medical College,
& Rajaji Hospital,
Madurai 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records



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relating to the impugned modified punishment order issued by the 1st respondent in G.O.(D).No.1109, Health and Family Welfare (I-2) Department dated 06.10.2025 and quash the same and further direct the respondents 1 and 4 to grant forthwith to the petitioner the increments admissible from the year 2008 with all attendant benefits and to promote the petitioner to the post of Associate Professor in the Speciality of Obstetrics and Gynaecology for the year 2023-2024 w.e.f the date of promotion of the petitioner's immediate junior along with all the service benefits including monetary and attendant benefits.

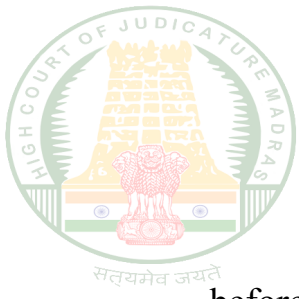
For Petitioner : Mr.T.Cibichakraborty

For Respondents : Mr.C.Jeganathan

Counsel for Government of Tamil Nadu

ORDER

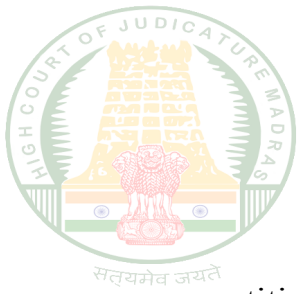
The petitioner, who is working as an Assistant Professor in the Department of Obstetrics and Gynaecology in the fourth respondent College, was subjected to disciplinary proceedings on the allegation of unauthorised absence from duty from 03.09.2014 to 28.01.2016. Upon conclusion of the said disciplinary proceedings, the disciplinary authority imposed the punishment of stoppage of increment with cumulative effect vide proceedings in Ref.No.5594533/PHC3/A3/2023 dated 12.04.2024.



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2. Aggrieved there by, the petitioner preferred a statutory appeal before the Government. The Government, after considering the appeal, passed an order in G.O.(D).No.1109, Health and Family Welfare (I-2) Department, dated 06.10.2025, partly allowing the appeal and modifying the punishment of stoppage of increment with cumulative effect to that of stoppage of increment without cumulative effect for a period of one year.

3. During the pendency of the said disciplinary proceedings and thereafter, the petitioner's case for promotion to the post of Associate Professor was deferred on the ground that the disciplinary proceedings and the appeal were pending and on the ground that the petitioner was undergoing punishment. Aggrieved by the said Government Order, dated 06-10-2025, the petitioner has filed the present writ petition challenging the Government Order dated 06.10.2025, the consequential action of the respondents in not considering the petitioner's case for promotion to the post of Associate Professor for the panel year 2023-2024 onwards, and also sought for a direction to release the annual increments and other monetary benefits allegedly due to the petitioner from the year 2008 onwards together with all consequential benefits.



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4.Heard Mr.T.Cibichakraborty, learned counsel appearing for the petitioner, and Mr.C.Jeganathan, learned counsel for Government of Tamil Nadu, appearing for the respondents.

5.After hearing the learned counsel appearing on either side on an earlier occasion, this Court has expressed its prima facie view that the modified punishment imposed under the impugned Government Order would relate back to the date of the original order of punishment, i.e. 12.04.2024. Consequently, the currency of the modified punishment would come to an end on 11.04.2025. Therefore, the petitioner's would be eligible for consideration for promotion to the post of Associate Professor for the panel year 2026-2027, for which the crucial date is 15.03.2026.

6.In the light of the above view of this court, the learned counsel for the petitioner submitted that the petitioner is not pressing the challenge to the impugned Government Order and confines the relief sought in the writ petition only to the extent of a direction sought to consider the petitioner's case for promotion to the post of Associate Professor during current panel year. The learned counsel also sought liberty to approach the respondents separately for release of annual increments and other monetary benefits



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allegedly due but not released to the petitioner from the year 2008 onwards.

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7.However, Mr.C.Jeganathan, learned Government counsel appearing for the respondents, submitted that although the currency of the punishment came to an end on 11.04.2025, paragraph 11 of Schedule XI to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, (for short “Act, 2016) prescribes a check period of one year after the expiry of the punishment. Therefore, according to the learned Government Advocate, the petitioner's case cannot be considered even for the current panel year and she would become eligible only for the panel year 2027-2028.

8. In response to the same, the learned counsel for the petitioner drew the attention of this Court to Paragraphs 12 and 13 of Schedule XI to the Act, 2016. In the light of the above, in order to arrive at right conclusion, it is necessary to examine Paragraphs 11 to 13 of Schedule XI of the said Act and the said paragraphs read as under:

(11) Any punishment (other than ‘Censure’) imposed on a member of service within a period of five years prior to the crucial date and a punishment of ‘Censure’ imposed



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within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment, including 'Censure' imposed on a member of service after the crucial date, but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment.

(12) A member of service whose name has not been included in the approved list for a punishment shall not be overlooked in the subsequent years' list for the same punishment or punishments, provided the member of service is not undergoing any punishment on the crucial date for preparation of approved list.

(13) If a member of service is imposed with punishment for irregularities or delinquencies that were committed five years prior to the crucial date, his name shall be considered for promotion or appointment to a post, if the member of service is not undergoing such punishment on the crucial date or on the date of consideration for actual promotion.

9.From the perusal of the above, what emerges is that, Para 11 undoubtedly creates an embargo till the check period is over. But the rigour of Para 11 is water down in certain circumstances which are contemplated under Paragraph 12 and 13. A cumulative reading of

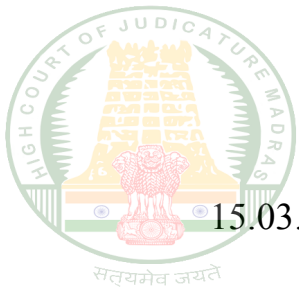


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paragraphs 11 to 13 of Schedule XI to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, makes it clear that where the irregularity forming the basis for initiation of the disciplinary proceedings relates to a period more than five years prior to the crucial date for preparation of the promotion panel, the case of such an employee cannot be deferred from consideration for promotion either on the ground of the currency of punishment or on the ground of the operation of the check period. Paragraph 13 of Schedule XI makes this position abundantly clear.

10. Further, in terms of paragraph 12 of Schedule XI, once the case of a candidate has been deferred for consideration for promotion on the ground of the currency of punishment once, the very same ground cannot again be invoked to defer his or her case for consideration for promotion in the subsequent panel.

11. Therefore, in the light of paragraphs 12 and 13 of Schedule XI, and considering the facts and circumstances of the case on hand, the effect of paragraph 11 cannot operate to the prejudice of the petitioner in the matter of consideration for promotion to the post of Associate Professor for the current panel year 2026-2027, for which the crucial date is



15.03.2026.

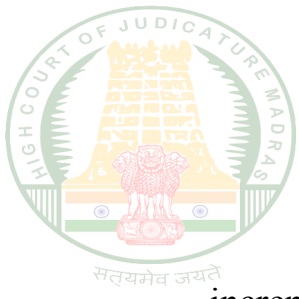
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12. In the light of the above, the respondents are bound and obligated under law to consider the case of the petitioner for promotion to the post of Associate Professor, for which the crucial date is 15.03.2026, without reference to the punishment imposed vide proceedings dated 12.04.2024 as modified by Government Order dated 06.10.2025, or on the ground of the operation of the check period, however subject to the petitioner being otherwise eligible and qualified for promotion.

13. In the result, the writ petition is disposed of with a direction to respondent Nos.1 and 2 to consider the case of the petitioner for promotion to the post of Associate Professor of the relevant subject for the current panel year 2026-2027, the crucial date being 15.03.2026, along with all other eligible candidates, without reference to the aforesaid order of punishment or the operation of the check period and her name shall be considered for inclusion in the promotion panel and for further consideration in accordance with law.



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14. Insofar as the relief sought with regard to the release of annual increments and other consequential monetary benefits from the year 2008 onwards are concerned, liberty is granted to the petitioner to submit a representation to respondent Nos.1 to 3. Upon receipt of such representation, the said respondents shall consider the same and pass appropriate orders in accordance with law, as expeditiously as possible, and in any event within a period of two months from the date of receipt of representation from the petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

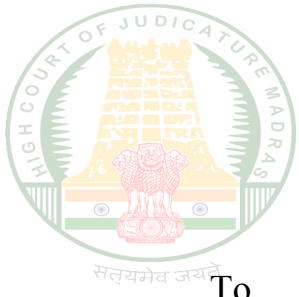
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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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