

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33122 OF 2017

O R D E R :

The case of the petitioner is that he is working as Forest Beat Officer, and is senior most in the said cadre and also entitled for promotion to the post of Forest Section Officer. While so, the respondents called for panel of Beat Officers to be promoted to the post of Section Officers in the existing five vacancies. Though the petitioner is at Serial No.1 in the seniority list prepared by the 2nd respondent, the name of the petitioner was not included in the panel list sent for promotions. The petitioner made representation to the 2nd respondent on 25.09.2017, asking him to furnish details of his service records which includes punishments, censures and stoppage of increments etc. but the 2nd respondent did not furnish the required information and also taking steps for issuing proceedings for promotion. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader on instructions submits that punishment of withholding increments with cumulative effect was imposed against the petitioner in the year 2008 and 2013.

It is to be seen that the currency of punishment imposed against the petitioner already expired. When once the currency of punishment period expired petitioner cannot be denied promotion and the learned counsel for the petitioner also produced Judgment of Madras High Court in ***Deputy Inspector General of Police, Thanjavur Range of Thanjavur v. V.Rani (2011(4) MadLJ 41)***, wherein it is held as follows.

“28. Therefore, after analysis of the entire law on the subject, we answer the reference as follows:

1) During the period of currency of minor punishment, an employee cannot claim as a matter of right to be promoted to the next category merely on the basis that he is otherwise fit for promotion and to that extent, the finding of the Division Bench in Subramanian v. Government of Tamil Nadu by its Secretary Chennai and others, 2008 5 MadLJ 350 stands overruled. It is needless to state that after currency of punishment period, the Government servant is entitled to be considered for promotion to the next post, if otherwise eligible.”

In this case, admittedly the currency of punishment imposed against the petitioner expired, as such, petitioner cannot be denied promotion on the said ground. In view of the same, the writ petition is allowed directing the 2nd respondent to consider the candidature of the petitioner for promotion without reference to the punishment imposed on the

petitioner in the years 2008 and 2013, since the petitioner stood at Serial No.1 of the seniority list. No order as to costs.

As a sequel to disposal of the writ petition, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

12.10.2017
t k.

