



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.03.2018

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) .No.672 of 2011

and

M.P. (MD) .No.1 of 2011

M.Vasantha

.. Appellant /Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.

2. The Principal Secretary and
Commissioner of Revenue Administration,
Chepauk,
Chennai-5.

3. The District Collector,
Collector's Office,
Trichy District.

... Respondents /Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.7618 of 2011 dated 11.07.2011.

Prayer in WP(MD). 7618/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records relating to the third Respondent vide Rc.No.A2/35069/2010 dated 02-06-2011 and to quash the same, and consequently direct the third Respondent to promote the Petitioner to the post of Deputy Tahsildar for the year 2010-2011 in the appropriate place, vide proceedings of the third Respondent vide Rc.No.A2/35069/2010 dated 01-06-2011.

For Appellant : Mr.S.Vijayakumar

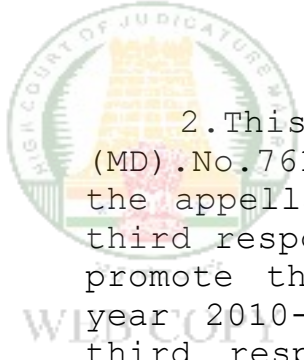
For Respondents : Mr.D.Muruganantham

Addl. Government Pleader

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.S.Vijayakumar, learned counsel appearing for the appellant and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.



2. This appeal is directed against the order passed in W.P. (MD).No.7618 of 2011 dated 11.07.2011. In the said writ petition, the appellant/ writ petitioner challenged the order passed by the third respondent, dated 02.06.2011 and to direct the respondent to promote the petitioner to the post of Deputy Tahsildar for the year 2010-11 in the appropriate place vide proceedings of the third respondent dated 01.06.2011. The said writ petition was dismissed on the ground that though initially stoppage of increment for a period of three years without cumulative effect, was passed on 28.08.2006 and was modified by the appellate authority in to that of censure by proceedings dated 16.12.2009, the punishment of censure cannot take back to the original date of punishment of stoppage of increment for three years without cumulative effect dated 28.08.2006 and it would be prospective and if it is so, the punishment will ensure for one year ie., till 15.12.2010 and therefore, the appellant is eligible to be included in the panel for promotion to the post of Deputy Tahsildar for the year 2010-11 in which, the crucial date is 15.09.2010. In our considered view that there is nothing on record to show that the censure shall be effected for a period of one year alone, though there are several judgments to say censure is not a punishment and nothing has been placed to show that the censure will operate for a period of one year and that will be the period of currency of punishment. To our understanding, censure will be entered into Service Register of the candidate and continued to be remain as such, while he is in service. Though this is our prima facie observation, the correctness of the impugned order was passed in the writ petition does not arise for consideration, on account of the fact that the appellant has been promoted to the post of Deputy Tahsildar for the year 2010-11. Hence, recording the same, the writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.

2. The Principal Secretary and
Commissioner of Revenue Administration,
Chepauk,



3. The District Collector,
Collector's Office,
Trichy District.

+1cc to Mr.S.Vijayakumar, Advocate Sr.No.53053
+1cc to Spl.Government Pleader Sr.No.53300

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VB/SKN/RSK/SAR4/22.03.2018/3P/6C

**W.A. (MD) .No.672 of 2011
and
C.M.P. (MD) .No. 1 of 2011
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