



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 09.10.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. (MD)No.3799 of 2015**

**and**

**M.P. (MD)No.1 of 2015**

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S.Habeeb Raja

... Petitioner

Vs.

1.The Commissioner of Rural Development  
and Panchayat Raj,  
Panagal Building,  
Saidapet, Chennai.

2.The District Collector,  
Dindigul District,  
Dindigul.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.2823/2014/Oo.Va.2, dated 23.05.2014 and quash the same as illegal and consequently to direct the respondents to promote the petitioner as Block Development Officer taking into consideration of the fact that the period currency of punishment commences from the date of the punishment order ie., on 31.10.2012.

For Petitioner : Mr.Mohamed Imran  
for M/s Ajmal Associates

For Respondents : Mr.D.Muruganandhan  
Additional Government Pleader  
for R.1 and R.2

**ORDER**

The order of rejection rejecting the claim of the writ petitioner for promotion to the post of Block Development Officer is under challenge in the present writ petition.

2. The writ petitioner was initially appointed as Cashier at Karur Panchayat Union on 23.09.1985 and subsequently promoted to the post of Assistant on 26.11.1994 and further promoted as Extension Officer on 06.12.2002. The petitioner was further promoted as Deputy Block Development Officer on 28.08.2008. A charge memo was issued under 17(b) of the Tamil Nadu Civil



Services (Discipline & Appeal Rules, 1955 with an allegation along with the discrepancies in the matter of tender. The petitioner submitted an explanation. Domestic enquiry was conducted and a punishment of stoppage of increment for two years without cumulative effect was imposed in proceedings dated 31.10.2012.

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3. The respondents had prepared a panel of Deputy Block Development Officers fit for promotion to the post of Block Development Officer for the year 2014-2015. The petitioner submitted his representation to include his name in the panel. However the claim of the writ petitioner was rejected vide proceedings dated 23.05.2014 by stating that the writ petitioner was imposed with the currency of punishment during the period in which the panel was prepared and therefore he is not entitled for promotion.

4. Learned Counsel appearing on behalf of the writ petitioner made a submission that as per the Service Conditions Act, as on the crucial date, there was no currency and therefore the case of the writ petitioner is to be considered.

5. Learned Additional Government Pleader appearing on behalf of the respondents made a submission that the punishment was not implemented in view of the fact that the next increment for the petitioner was due only on 01.10.2013. Though the order of punishment was served on the petitioner on 19.11.2012, the said order was given effect to from 01.10.2013, as his increment was falling on that day. Accordingly, the currency of punishment imposed on the petitioner will come to an end only on 30.09.2015. During the period of currency, the panel for promotion to the post of Block Development Officer was drawn from the cadre of Deputy Block Development Officer for the year 2014-2015. In view of the currency of punishment for the petitioner, his name was overlooked and on the crucial date, as the currency of punishment was imposed on the petitioner, the name of the petitioner was passed over.

6. Learned Counsel appearing on behalf of the petitioner solicited the attention of this Court with reference to Clause-17 of Schedule XI of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

Clause 17 reads as under:

*"17. 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 in the approved list until the said punishment is over."*



7. The above provision is unambiguous that any punishment imposed shall take effect from the date on which the said punishment order is served to the concerned member and further it states that the name of such member of service shall not be considered for inclusion in the approved list until the said punishment is over. Therefore, the point to be considered is that whether the punishment was over at the time of consideration of the names of the eligible candidates in the panel. In the present case, admittedly the panel of the year 2014-2015 for promotion to the post of Block Development Officer was released. Undoubtedly the order of punishment of stoppage of increment for two years without cumulative effect was served on the petitioner on 19.11.2012. The order was given effect to from 01.10.2013, as the increment due to the petitioner was falling on that day. The currency of punishment of stoppage of two years without cumulative effect on the petitioner was come to an end only on 30.09.2015. The panel was prepared during the currency of punishment and as per the above provision cited by the writ petitioner, the currency would have been over. In the present case, the currency was in force and therefore, the said contention deserves no merit for consideration. Even as per the Clause 17, the petitioner is not entitled to be considered for promotion, as during the relevant point of time, when the panel was prepared, he was suffering from currency of punishment. It is also brought to the knowledge of this Court by the learned Additional Government Pleader that the name of the writ petitioner was considered in the next panel and he was promoted to the post of Block Development Officer.

8. In view of the above, the writ petitioner has not established any acceptable ground. Accordingly, the Writ Petition deserves to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar (CS)

SSL



To

1.The Commissioner of Rural Development  
and Panchayat Raj,  
Panagal Building,  
Saidapet, Chennai.

2.The District Collector,  
Dindigul District,  
Dindigul.

+1 CC to SGP ( SR-19910[F] dated 13/10/2020 )

**W.P. (MD) No.3799 of 2015**

**and**

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**09.10.2020**

SSS (CO)

KM (20.10.2020) 4P 4C