



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20453 of 2021
(Through Video Conferencing)

R.Jayakumar

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Municipal Administration &
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Chairman/Board Appeal Committee,
Tamil Nadu Water Supply &
Drainage Board, Chepauk,
Chennai - 600 005.

3.The Managing Director,
Tamil Nadu Water Supply &
Drainage Board, Chepauk,
Chennai - 600 005.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 and 2 to consider the claim of the petitioner for his empanelment in the panel of Executive Engineers fit for promotion as Superintending Engineer for the year 2014-2015 in the appropriate place therein and to promote him as Superintending Engineer with retrospective effect from the date of promotion of his immediate junior with consequential benefits including revision of pensionary benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.L.S.M. Hasan Fizal,

Government Advocate for R1

: Mrs.Kala Ramesh,

Standing Counsel for R2 & R3



ORDER

This writ petition is disposed of at the time of admission without notice to the respondents considering the fact that the petitioner's appeal is pending before the first and second respondents.

2. The petitioner was imposed with an order of punishment censure vide punishment dated 27.02.2014. At that time, the petitioner was serving as an Executive Engineer and was otherwise fit for being promoted as a Superintendent Engineer.

3. The learned counsel for the petitioner submits that the punishment imposed on the petitioner on 27.02.2014 was prior to the crucial date prior for preparing the panel for promotion to the post of Superintendent Engineer on 01.07.2014 and therefore the petitioner's name was not included in the panel for the promotion to promote the petitioner as a Superintendent Engineer.

4. The learned counsel for the petitioner further submits that the punishment of censure is self limiting order and has no currency beyond its date. He further submits that the issues is clearly covered by the decision of the Full Bench of this Court in its judgment dated 27.04.2011 in W.A. (MD).No.315/2010 etc, batch cases reported in 2011 (3) CTC 129 (The Deputy Inspector General of Police, Thanjavur Range Vs V.Rani), which has been followed in several cases by this Court. In this connection, the learned counsel for the petitioner has also referred to the other few orders of this Court rendered in WP.Nos.21154 of 2011 and WP(MD).No.20782 of 2019.

5. The learned counsel for the petitioner further submits that the Full Bench in its judgment answered the issue. Relevant portion of the judgment reads as under:

"5. Consequently, the embargo put on the right of Government servant for being considered for promotion for a further period, after the period of minor punishment is over, in the name of 'check period' viz., one year in the case of censure and five years in the case other minor punishments is illegal and impemissible under the Statutory Rules."

6. Considering the facts that the petitioner appeal is pending before the 1st and 2nd respondents, this writ petition is disposed at the time of admission by directing the respondents to consider and pass appropriate orders on the appeal of the petitioner within a period of eight weeks from the date of receipt of copy of this order. While passing appropriate order on the appeal of the petitioner, the 2nd respondent shall also



take note of the ratio of the Courts in the decisions cited above.

7. This Writ Petition is disposed of with the above observations.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Principal Secretary to Government,
Municipal Administration &
Water Supply Department,
Secretariat, Chennai - 600 009.
2. The Chairman/Board Appeal Committee,
Tamil Nadu Water Supply &
Drainage Board, Chepauk,
Chennai - 600 005.
3. The Managing Director,
Tamil Nadu Water Supply &
Drainage Board, Chepauk,
Chennai - 600 005.

+1CC to Mr.Ravi, Advocate, Sr.No.52197
+1CC to Mr.Government Pleader, Sr.No.52464

W.P.No.20453 of 2021

CP (CO)
K.RK. (26.11.2021)