



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15377 of 2013
and
WMP.No.13164 of 2021

C.Dhakshinamurthy
Junior Engineer,
Highways Department,
Nabard and Rural Roads,
Tiruvarur.

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by Secretary to Government,
Highways and Minor Posts Department,
Secretariat, Chennai - 600009.
2. The Director General,
Highways Department, Chennai - 600005,
Formerly Chief Engineer (General)
Highways, Chennai - 5.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent herein in Memo No.3276/Confidential-1/2010 dated 08.12.2011 and quash the same and to direct the respondents herein to include the name of the petitioner in the appropriate place in the panel for promotion to the post of Junior Engineer for the year 2009-2010 as issued by the second respondent in proceedings No.1751/Admn.2(2)/2010 dated 07.10.2010 and to give retrospective effect to his promotion with effect from the date of promotion of his immediate junior and to grant him all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader



ORDER

The petitioner herein, seeks for inclusion of his name in the promotion panel for the post of Junior Engineer for the year 2009-10. According to the petitioner, he was subjected to two Disciplinary Proceedings under Rule 17(a) and 17(b) of the Tamil Nadu Civil Services (D & A) Rules and two punishments dated 28.01.2009, imposing stoppage of increment for one year with Cumulative Effect and 27.01.2009, imposing stoppage of increment for one year without Cumulative Effect.

2. Though the prayer sought for in the present writ petition claims for inclusion of his name for the panel year 2009-10, the learned counsel for the petitioner submitted that there was an another panel in the year 2010-11 in which, his name was ought to have been included. Admittedly, the punishments dated 28.01.2009 and 27.01.2009 were served on the petitioner on 11.02.2009. Since the punishments relate to stoppage of increment, both these punishments cannot run concurrently. In other words, these two punishments of stoppage of increments will have to be implemented in the subsequent two years. As such, the punishments would end on 10.02.2010.

3. The crucial dates for the panel year 2009-10 is 01.08.2009 and for the year 2010-11 is 01.08.2010. Apparently, the petitioner was undergoing the punishment as on the crucial dates of both these panels. Thus, his claim that his name requires to be included in both these years, cannot be sustained in view of the currency of the punishments. Accordingly, the impugned order rejecting the petitioner's name in the order dated 08.12.2011, requesting for inclusion of his name in the panel, cannot be found fault with.

4. With the above observation, this Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Sni



To

1. The Secretary to Government of Tamil Nadu,
Highways and Minor Posts Department,
Secretariat, Chennai - 600009.

WEB COPY

2. The Director General,
Highways Department, Chennai - 600005,
Formerly Chief Engineer (General)
Highways, Chennai - 5.

+1cc to the Government Pleader, S.R.No.15480

W.P.No.15377 of 2013

MT[co]
NSK 29/03/2022