



W.P.(MD)No.7231 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7231 of 2020

and

W.M.P(MD)No.6677 of 2020

Sirajudin

... Petitioner

Vs.

The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent in Roc.A1/36385/2019 dated 10.03.2020 namely the panel for promotion to the post of Deputy Thasildar and quash the same insofar as non including the name of the petitioner is concerned and consequently, direct the respondent to promote the petitioner to the post of Deputy Thasildar providing him with the service seniority and all attendant benefits within a time frame as fixed by this Court.

For Petitioner
For Respondents

: Mr.B.Prahalad Ravi
: Mrs.K.Christy Theboral,
Additional Government Pleaader



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ORDER

This writ petition has been filed to quash the order passed by the respondent in Roc.A1/36385/2019, dated 10.03.2020, namely, the panel for promotion to the post of Deputy Thasildar, insofar as non including the name of the petitioner is concerned and consequently, direct the respondent to promote the petitioner to the post of Deputy Thasildar providing him with the service seniority and all attendant benefits within a stipulated period.

2. The case of the petitioner is that he is working as Revenue Inspector under the control of the respondent. Initially, he was appointed as a Draftsman on 21.10.2009 and his services were regularized on 29.11.2011. According to the petitioner, he has been discharging his duties in the post of Revenue Inspector to the satisfaction of all concerned. While so, the petitioner availed long leave for 638 days from 24.01.2013 to 02.11.2014 and therefore, he was placed under suspension and subsequently, departmental proceedings were initiated and subsequently, the petitioner was reinstated into service imposing punishment of stoppage of increment for two years with cumulative



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effect. Subsequently, the said punishment was modified directing to treat the leave period as loss pay. However, the respondent had prepared the impugned panel for promotion to the post of Deputy Tahsildar by omitting the name of the petitioner even though the petitioner is eligible for the said post. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the respondent promoted the petitioner's juniors to the post of Deputy Thasildar to the detriment of the petitioner. Even though the petitioner reached the feeder category at the relevant point of time, his name was not included in the panel list and hence, prayed for appropriate orders.

4. The learned Additional Government Pleader appearing for the respondents would submit that while drawing the panel of Deputy Tahsildar for the year 2019, the petitioner was not qualified for inclusion in the said panel as per Schedule XI, Part A, II(11) of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016 since he was



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awarded with stoppage of increment for two years with cumulative effect as per the proceedings of the District Revenue Officer, dated 15.06.2016 and hence, prayed for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents and perused the materials produced before this Court.

6. Admittedly, the petitioner entered into service in the Revenue Department as a Draftsman and subsequently, he was promoted as Revenue Inspector. Subsequently, he suffered punishment of stoppage of increment for two years with cumulative effect as per the order of the District Revenue Officer, dated 15.06.2016, ie., within the crucial period. Hence, his name was not included in the panel for the post of Deputy Tahsildar.

7. The provision under Schedule XI, Part A, II(11) of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016 The relevant provision is extracted hereunder:



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“Any punishment(other than 'censure') imposed on a member of service within a period of five years prior to the crucial date and a punishment of 'censure' imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment, including Censure imposed on a member of service after the crucial date, but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment.”

8. In view of the aforesaid provision, the impugned panel prepared by the respondent is perfectly in order and there is no need to interfere with the same.

9. In the result, this writ petition is dismissed. However, this order will not stand in the way for further promotion to the petitioner after the currency of punishment is over. No Costs. Consequently, connected miscellaneous petition is closed.

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PM
Index:Yes/No



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M.DHANDAPANI,J.

pm

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