



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9329 of 2021 and
W.M.P.(MD)No.7057 of 2021

Dr.S.John Ravikumar,
Veterinary Assistant Surgeon,
Veterinary Dispensary,
Pathamadai,
Tirunelveli District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Animal Husbandry
Dairying and fisheries,
Secretariat, Chennai – 600 009.

2. The Director,
Animal Husbandry & Veterinary Services,
No.571, Anna Salai, Nandanam,
Chennai – 600 035.

3. The Assistant Director of Animal Husbandry,
Ambasamudram @ Cheranmahadevi,
Tirunelveli District.

... Respondents

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 order passed by the 1st respondent vide letter No.11846/Ka.Pa/7/2020-5 dated 19.02.2021, quash the same



and consequentially, promote the petitioner as Assistant Director of Animal Husbandry without affecting the petitioner's seniority.

For Petitioner : Mr.C.Venkatesh Kumar,
for M/s.Ajmal Associates.

For Respondents: Mr.A.K.Manikkam,
Special Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined the Animal Husbandry Department as Veterinary Assistant Surgeon in the year 1995. The next promotional post is Assistant Director of Animal Husbandry. The charge memo came to be issued on the petitioner on 13.03.2015. It ended in minor punishment and the punishment order was issued on 09.07.2015. The petitioner's increment was ordered to be stopped for three months without cumulative effect. The punishment order also got worked out by 31.03.2015 and the cause of action arose on 14.07.2014.



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3. It is well settled that for five years subsequent to arising of the cause of action, the delinquent official will not be eligible for promotion. The check period expired on 14.07.2019. The crucial date for considering the petitioner for promotion is 1st July of every year. Therefore for the panel year of 2019, the petitioner could not have been considered. Since the check period was over by 14.07.2019, the petitioner became eligible for promotion on 01.07.2020.

4. The respondents are directed to include the petitioner in the panel for the year 2020-21. He shall be placed at the appropriate place in the seniority list. In this view of the matter, the impugned order is set aside and the writ petition stands allowed with the aforesaid direction. Necessary order will be passed by respondents 1 and 2 within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2022

Index : Yes / No
Internet : Yes/ No

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To:

1. The Secretary to Government,
Department of Animal Husbandry
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Secretariat, Chennai – 600 009.
2. The Director,
Animal Husbandry & Veterinary Services,
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