



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9540 of 2019

WEB COPY

P.Mohammed Ibrahim

... Petitioner

vs.

1.The Agricultural Production
Commissioner and Principal
Secretary to Government
Agriculture Department
Secretariat, Chennai-600 009

2.The Chief Engineer
Agricultural Engineering
Nandanam
Chennai-600 035

3.The Superintending Engineer
Agricultural Engineering
NGO Colony
Virudhunagar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the first and second respondents i.e. the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai and the Chief Engineer (AE), Chennai for inclusion of the petitioner's name in the approved list of Administrative Officer of the year 2016-17 according to his feeder category seniority and grant notional promotion on par with his juniors, within a specified time frame since his date of superannuation is fast approaching on 30.09.2019 that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Ramesh
Government Advocate

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 and 2 to include the petitioner's name in the approved list of Administrative Officer of the year 2016-2017 according to his feeder category seniority and grant notional promotion to him on par with his juniors, within a specified time.



2. The petitioner reached the age of superannuation in the post of Superintendent and retired from service on 30.09.2019. The grievance of the petitioner is that his name was not included in the panel list fit for promotion to the post of Administrative Officer during the year 2016-2017. Thus, the petitioner is constrained to move this writ petition seeking retrospective promotion on par with his juniors.

3. The learned counsel for the petitioner mainly contended that there was a direction from this Court that the enquiry proceedings should be completed within a stipulated period and in the event of non-completion, the petitioner should be exonerated from the disciplinary proceedings. Therefore, the petitioner is entitled for retrospective promotion on par with his juniors.

4. The learned Government Advocate appearing for the respondents objected the said contention by stating that during the relevant point of time when the panel of the year 2016-2017 was drawn, two charge memos were pending against the petitioner. As per the Promotion Rules, pendency of charge memo is bar for promotion. Hence, the name of the petitioner was not included in the panel of the year 2016-2017.

5. This Court is of the considered opinion that pendency of disciplinary proceedings / charge memo is bar for promotion, so also the currency of punishment is also a bar. The name of the employees, against whom such proceedings and punishment are pending, will be considered only after expiry of the punishment or disposal of the disciplinary proceedings. In the present case, the charge memos were ended with the order of censure and therefore, the petitioner is not entitled for retrospective promotion on par with his juniors.

6. Accordingly, the writ petition is dismissed. No costs.

Sd/-

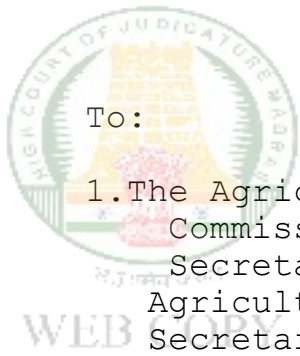
Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk



To:

1.The Agricultural Production
Commissioner and Principal
Secretary to Government,
Agriculture Department,
Secretariat, Chennai-600 009.

2.The Chief Engineer,
Agricultural Engineering,
Nandanam,
Chennai-600 035.

3.The Superintending Engineer,
Agricultural Engineering,
NGO Colony,
Virudhunagar.

+1 CC to M/s.SPL.GP. (SR-22068[F] dated 28/04/2022)

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-22306[F] dated
28/04/2022)

W.P.(MD) No.9540 of 2019
27.04.2022

RK(12/05/2022) 3P 6C