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W.P.(MD)No.17804 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17804 of 2016

M.Natarajan

... Petitioner

vs.

1.The Principal Secretary to Government,
Youth Welfare and Sports Development
Department,
Secretariat, Chennai-600 009.

2.The Director,
National Cadet Crops Directorate,
Tamil Nadu,
Puducherry and Andaman Nicobar,
Fort St.George, Chennai-600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent through the 2nd respondent in his proceedings No.1330/1/SC/5626, dated



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21.07.2016 and to quash the same consequently, to direct the respondent nos.1 and 2 to revise the seniority and give the notional promotion to the post of Additional Director and give the monetary benefits, equal rank of pension from the date of retirement.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.S.R.A.Ramachandran

Additional Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order dated 21.07.2016 passed by the 1st respondent and consequently to direct the 1st and 2nd respondents to revise the seniority and give the notional promotion to the post of Additional Director and give the monetary benefits, equal rank of pension from the date of retirement.

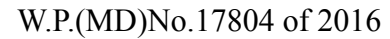


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2. The contention of the petitioner is that because of punishment of censure inflicted in the year 2009, the petitioner's name was not included in the promotional panel 2010-2011 in the post of Assistant Director. But censure is not bar for considering the name for the promotion as held in **Deputy Inspector General of Police Vs V. Rani reported in 2011 (3) CTC 129 (Rani's case)**. Moreover, the check period cannot be calculated in the case punishment of censure. Therefore, this Court is of the considered opinion that the reason cited by the respondents that the petitioner was undergoing censure punishment is erroneous since the reason is against the dictum laid down by the Hon'ble Full Bench in ***Rani's*** case.

3. The next contention of the respondent is that any promotion can be considered only based on merit and ability. Since the petitioner is not a meritorious candidate and hence the claim of the petitioner cannot be



4. Hence, the writ petition is dismissed. No costs.

28.03.2023

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To

- 1.The Prinicipal Secretary to Government,
Youth Welfare and Sports Development
Department,
Secretariat, Chennai-600 009.
- 2.The Director,
National Cadet Crops Directorate,
Tamil Nadu,
Puducherry and Andaman Nicobar,
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S.SRIMATHY, J

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