



W.P.(MD)No.28285 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE **R.VIJAYAKUMAR**

W.P.(MD)No.28285 of 2023

and

W.M.P.(MD)Nos.24357 and 24358 of 2023

AL.Vairavan

... Petitioner

vs.

1.The Principal Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Fort St. George, Chennai-600 009.

2.The Secretary to Government,
Human Resources Management Department,
Fort St. George, Chennai-600 009.

3.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road, Chennai-600 034. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 3rd respondent in Na.Ka.No.64450/2023/L2 dated 13.10.2023 and quash the same and consequently direct the respondents to include the name of the petitioner in the approved list 2023-2024 for the promotion to the post of Executive



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Officer Grade-I, HR and CE Department and promote him as Executive Officer Grade-I.

For Petitioner :Mr.G.Mathavan
For Respondents :Mr.P.Subbaraj
Special Government Pleader

ORDER

The present Writ Petition has been filed by an Executive Officer Grade-II challenging the impugned order, wherein, his name was not included in the approved list for promotion to the post of Executive Officer Grade-I.

2.Admittedly, the petitioner was issued with a charge memo on 08.07.2021 for the delinquency that happened in the year 2014. After enquiry, an order of censure was inflicted upon the petitioner on 26.07.2023. According to the petitioner, the crucial date for preparation of the approved list for Executive Officer Grade-I is 15.03.2023. Since only an order of censure was passed, his name should have been considered and included in the panel.



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3.Per contra, the learned Special Government Pleader appearing for the respondents relied upon Schedule-XI (3) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and contended that on the crucial date, disciplinary proceedings were pending before the Tribunal and therefore, his name was rightly not included in the panel for the year 2022-23.

4.I have carefully considered the submissions made on either side and perused the materials available on record.

5.There is no dispute that the crucial date for inclusion of the name of an Executive Officer Grade-II for being promoted as Executive Officer Grade-I is 15th of March of every year. In March 2023, admittedly, disciplinary proceedings were pending as against the Writ Petitioner before the Tribunal. Clause 3 of Schedule XI of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, is extracted hereunder:

“(3) The name of a member of service shall not be considered for inclusion in the approved list, if any enquiry is pending against him in the Tribunal for Disciplinary Proceedings.”



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6.In view of the fact that disciplinary proceedings were pending as against the Writ Petitioner before the Tribunal on the crucial date, the authorities were right in not including the name of the petitioner in the panel. Therefore, there are no merits in the Writ Petition. However, he would be eligible to considered in the next panel for the year 2024, if he is otherwise eligible in view of Clause 14 of Schedule XI of the Act.

7.The Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

06.12.2023

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R.VIJAYAKUMAR, J.

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