



WEB COPY



Writ Petition No.1215 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17/12/2024

C O R A M

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

Writ Petition No.1215 of 2022
a n d
W.M.P.Nos.1294 and 1295 of 2022

Senthil

...

Petitioner

Vs

1. The Additional Chief Secretary
to the Government of Tamil Nadu
Home (Tr.II Department)
Fort St. George
Chennai.

2. The Transport Commissioner
Ezhilagam, Chepauk
Chennai 600 005.

3. The Commissioner
for Disciplinary Proceedings
Coimbatore.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of certiorari to call for the records in
connection with G.O.(2D) No.301 Department of Home (Transport II) dated
1/12/2021 issued by the first respondent and quash the same.



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For petitioner ... Mr.M.Kaviveerappan
For respondents ... Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned G.O (2D) No.301 Home (Transport – II) Department, dated 1/12/2021 issued by the first respondent.

2. The case of the writ petitioner in brief is as follows:-

While the petitioner was working as Superintendent in the office of Regional Transport Office, Salem (West), a surprise check was conducted on 15/2/2013 by the Vigilance & Anti-Corruption officials along with the District Inspection Cell Officer and found that there are some irregularities of engaging private individuals to obtain illegal gratification on behalf of the petitioner. Charge memo dated 2/9/2014 was framed. The Tribunal for disciplinary proceedings, Coimbatore, after careful analysis of evidence on record, oral, documentary has come to the conclusion that the writ petitioner



has failed to do his official duties with full devotion and imposed the punishment of stoppage of increment for three years with cumulative effect.

Being aggrieved, the petitioner has come up with the instant writ petition.

3. Heard Mr.M.Kaviveerappan, learned counsel for the petitioner and Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader for the respondents.

4. The learned Additional Government Pleader appearing for the respondents submitted that the writ petitioner has not filed any Review Petition under Rule 37 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Without exhausting the alternate remedy, the petitioner has approached this Court.

5. Perused the materials available on record.

6. It is well settled that if any Government servant is facing charges or pending disciplinary proceedings should never be considered for promotion. Moreover, various guidelines were issued by the Government under the subject of preparing panel for promoting the qualified officials to



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the next higher cadre has clearly stated that pendency of disciplinary proceeding is a bar to promotion. In such a view of the matter, name of the petitioner cannot be considered for promotion.

7. In the result, this writ petition is dismissed. Liberty is granted to the petitioner to file a Review Petition under Rule 37 of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. If the petitioner approaches the competent authority representing all his grievances, which he is now putting forth before this Court, the competent authority shall consider the same and pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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mvs.

Index: yes/No

Neutral Citation: Yes/No



To

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