



WP.No.13833 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.13833 of 2012

M.Raja

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai-600 009.
2. The District Collector (Development)
Collectorate, Tiruvarur.
3. S.Kamala
4. K.Raja
5. N.Viswanathan
6. N.Elara
7. G.Veeramani
8. M.Rajeswari
9. K.Manoharan
- 10.B.Nageswaran
- 11.S.Selvaganapathy
- 12.N.Vasanthan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to Proceedings bearing Na.Ka.No.2351/A-4(Valarchi)/2012 dated 7.5.2012 of



WP.No.13833 of 2012

the 2nd respondent namely the District Collector, (Development), Collectorate, Tiruvarur, and quash the same in so far as it relates to the promotion of respondents 3 to 12 for the post of Deputy Block Development Officer and consequently direct the first and second respondents herein to consider the case of the petitioner for promotion to the post of Deputy Block Development Officer from the date on which he became eligible namely 1.3.2008 without reference to the disciplinary proceedings initiated subsequent to the crucial date.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents : Mr.A.M.Ayyadurai
Government Advocate for R1 & R2
Mr.P.Rajendran for R3 to R12

ORDER

The instant writ petition has been filed to quash the proceedings bearing Na.Ka.No.2351/A-4(Valarchi)/2012 dated 07.05.2012.

2. The short facts of the writ petition is that the petitioner was appointed as a Junior Assistant on 27.01.1997 in the office of the Block Development Office, Mannargudi. Subsequently, he was promoted to the post of Assistant on 16.05.2003. While so, when he became eligible to be considered to the



WP.No.13833 of 2012

next promotional post of Deputy Block Development Officer, he was issued with a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3. The learned counsel for the petitioner would submit that since on the crucial date, there was a disciplinary proceedings, the petitioner's promotion was withheld. It appears that the petitioner also preferred a writ petition, challenging the disciplinary proceedings. Wherein this Court directed the respondents to dispose of the disciplinary proceedings and consider the petitioner for further promotion. It is the contention of the learned counsel for the petitioner that in pursuance of the order of this Court, though the respondent has completed the disciplinary proceedings and having been imposed only a minor punishment, has not given any retrospective promotion. Hence, the petitioner seeks for retrospective promotion with effect from 01.03.2008.

4. Per contra, the learned Government Advocate appearing for the respondents 1 and 2, on instructions would submit that after completion of 17(b) proceedings, after considering all relevant Rules, the petitioner was



WP.No.13833 of 2012

promoted to the post of Deputy Block Development Officer. Therefore, nothing survives in this writ petition.

5. I have given my anxious consideration to either side submissions.

6. It is well settled principle of law that the right of promotion is not a fundamental right and only the consideration for promotion can be claimed as a fundamental right. In the present case, as on the crucial date viz., 01.03.2008, there was a disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Only because of the said disciplinary proceedings, the promotion of the petitioner was withheld.

7. Subsequently, it appears that the Government, after completion of the disciplinary proceedings has considered the case of the petitioner for promotion and also promoted him to the post of Deputy Block Development Officer. The only contention raised by the petitioner in this writ petition is that, since the punishment imposed against him is the minor penalty, he must have been given promotion for retrospectively by considering the crucial date 01.03.2008. It is the well settled principle of law that whenever any



WP.No.13833 of 2012

punishment is imposed, there will be a check period and therefore, the petitioner's case could be considered only thereafter. In this case, the same has been rightly followed.

8. In view of the above factual position, this Court do not find any merits in this writ petition.

9. In the result, this writ petition stands dismissed. No costs.

23.08.2024

kmi

Index : Yes /No

Speaking order : Yes/No

Neutral Citation : Yes/No

To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-600 009.
2. The District Collector (Development)
Collectorate,
Tiruvarur.



WEB COPY



WP.No.13833 of 2012

C.KUMARAPPAN, J.

kmi

WP.No.13833 of 2012

23.08.2024