



W.P.No.1431 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.06.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.1431 of 2016
and
W.M.P.No.1194 of 2016

S.Shantha Sheela
Petitioner

...

-VS-

The Director of Treasuries and Accounts,
O/o. Director of Tresuries and Accounts,
Panagal Park,
Saidapet,
Chennai – 600 015.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records on the file of the respondent in connection with the impugned rejection order passed in his proceedings in Pdl.No.182/2015/N1 dated 09.09.2015 and quash the same and consequently direct the respondent to place the petitioner in the panel for promotion to the post of Superintendent for the year 2014-15 by placing above than Serial No.76, Mrs.R.Gandhimathi and



W.P.No.1431 of 2016

thereby grant all service and monetary benefits within the time limit.

For petitioner : Mr.G.Thalaimutharasu

For respondent : Mr.M.Alagu Gowtham,
Government Advocate

ORDER

Questioning her non-inclusion in the promotion panel for the post of Sub Treasury Officer / Superintendent for the year 2014-15 on account of her being imposed with a punishment of censure, the petitioner is before this Court.

2. The petitioner would submit that she has acquired the eligibility on 01.04.2014 to be included in the panel for the post of Sub Treasury Officer / Superintendent for the year 2014-15. The Treasury Officer, Dindigul, had forwarded a proposal in Na.Ka.No.59/19-E dated 13.01.2015 forwarding the name of the petitioner and also one C.Mahesh for inclusion in the promotion



W.P.No.1431 of 2016

WEB COPY

panel as the petitioner satisfied the eligibility criteria. However, when the panel was published on 20.03.2015, her name did not feature in the list, but, the names of her juniors *viz.*, R.Gandhimathi and C.Mahesh were found place in Serial Nos.76 and 114 respectively. Therefore, the petitioner had made a representation dated 20.03.2015 to the respondent through proper channel to include her name. Since no action was taken on her representation, she was constrained to file a writ petition in W.P.(MD).No.6357 of 2015. This Court, by an order dated 22.04.2015, directed the respondent to dispose of the petitioner's representation within a period of three months. On receipt of the said order, the respondent has passed the impugned order rejecting her request on the ground that she was imposed with a punishment of censure.

3. The petitioner would submit that a reference has been made to the Full Bench of this Court in the batch of cases, where the question involved was, whether the currency of punishment can



W.P.No.1431 of 2016

be treated as a bar for promotion during the service. The Full Bench of this Court, after considering all the provisions, had ultimately held that the Government Letter issued in Ms.No.248, Personnel and Administrative Reforms (S) Department, dated 20.10.1997 is *ultra vires* on the ground that the same was not part of the Statutory Rules framed under the proviso to Article 309 of the Constitution of India.

4. In the counter affidavit, the respondent had relied upon another G.O.Ms.No.22 dated 24.02.2014 issued by the Personnel and Administrative Reforms (S) Department, Chennai – 9, wherein, the amended General Rule 4(a) reads as follows.

“Any punishment (other than 'Censure') imposed on a member of service within a period of five years prior to the crucial date and a punishment of 'Censure' imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the



W.P.No.1431 of 2016

approved list. Any punishment, including 'Censure' imposed on a member of service after the crucial date, but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment”

5. However, this Court has been informed that the above said Government Order has been quashed by the Division Bench of this Court by an order dated 14.09.2016 made in W.A.No.983 of 2015 and W.P.Nos.31633 of 2014 and 21771 of 2015.

6. Therefore, in the light of the above judgment of the Division Bench of this Court, the impugned order is quashed and the respondent is directed to consider the petitioner's representation dated 20.03.2015 within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is allowed. Consequently, connected W.M.P. stands closed. No costs.



W.P.No.1431 of 2016

25.06.2024

WEB COPY

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

The Director of Treasuries and Accounts,
O/o. Director of Tresuries and Accounts,
Panagal Park,
Saidapet,
Chennai – 600 015.



WEB COPY



W.P.No.1431 of 2016

P.T.ASHA, J.,

ssa

W.P.No.1431 of 2016

25.06.2024