



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.5502 of 2024

and

W.M.P.No.6082 of 2024

K.Janaki

... Petitioner

Vs.

1. The Principal District Judge,
Salem, Salem District.

2. The Chief Administrative Officer,
Principal District Court, Salem, Salem District.

3. The Registrar General,
High Court, Madras.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in R.O.C No.11647/A2/2023 dated 08.09.2023 vide proceedings passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to re-fix the seniority list dated 21.09.2022 and include the petitioner's name in the seniority list of Bench



Clerk Grade II ahead of the petitioner junior and consequently direct the 1st respondent to promote the petitioner as head clerk with all appropriate benefits in the light of the law settled by full bench in the Judgment reported in 2011 3 CTC Page 129 within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.M.Santhanaraman

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The proceedings dated 08.09.2023 issued by the learned Principal District Judge, Salem, declining to accept the request of the writ petitioner for inclusion of her name in the panel dated 30.09.2022 for promotion is under challenge in the present Writ Petition.

2. The writ petitioner was initially appointed as Typist in the Judicial Department. She was promoted to the post of Bench Clerk Grade III. Disciplinary proceedings were initiated against her in the year 2019. The disciplinary proceedings ended with an order of punishment of stoppage of increment for one year without cumulative effect. The final order of punishment was issued on 08.12.2020. Consequent to the punishment, the



writ petitioner was redeployed to the post of Bench Clerk Grade III, as per the proceedings of the learned Principal District Judge dated 18.04.2022.

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3. The grievances of the writ petitioner is that she was not considered for inclusion of her name in the panel dated 30.09.2022 prepared for grant of promotion. The learned counsel for the writ petitioner would submit that even after the expiry of the punishment period, the name of the writ petitioner was not considered. Thus, the present Writ Petition came to be instituted.

4. Mr.M.Santhanaraman, appearing on behalf of the respondents would oppose the said contention by stating that the panel was prepared during the currency of punishment and therefore, the name of the writ petitioner was not included in the panel dated 30.09.2022. After the expiry of the currency of punishment, she was redeployed to the post of Bench Clerk Grade III as per Clause XI (Section 7(1)) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

5. In view of the above legal position, the claim of the writ petitioner



is untenable and her case is to be considered whenever she is suitable and eligible under the Rules, which is in force.

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6. With this observation, the Writ Petition stand dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
05.03.2024

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Principal District Judge,
Salem, Salem District.
2. The Chief Administrative Officer,
Principal District Court,
Salem, Salem District.
3. The Registrar General,
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W.P.No.5502 of



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W.P.No.5502 of 2024

05.03.2024