



W.P.(MD).No.12227 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12227 of 2024

C.Kaliappan

... Petitioner

Vs.

The Principal Chief Conservator Forests,
Head of Department,
Forest Head Quarters Building,
Guindy – Velachery Main Road,
Guindy, Chennai – 600 032.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records passed by the respondent herein in Ref.No.AB1/7671/2024 dated 20.05.2024 and quash the same and consequently direct the respondent herein to include the petitioner's name below SI.No.6 Thiru.R.Manoharan and above S.I.No.7 Thiru.B.Shanmugam in proceedings of the respondent in Ref.No.AB1/34381/2023 dated 14.02.2024 and promote the petitioner as Forester with all consequential and monetary benefits within a time frame as fixed by this Court.



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For Petitioner : M/s.M.Padmavathy

For Respondent : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard M/s.M.Padmavathy, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondent.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner who was given with the show cause notice under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for certain alleged lapses has filed this Writ Petition seeking to quash the order of the respondent dated 20.05.2024 and consequently direct the respondent herein to include the petitioner's name below SI.No.6 Thiru.R.Manoharan and above S.I.No.7 Thiru.B.Shanmugam in proceedings of the respondent in Ref.No.AB1/34381/2023 dated 14.02.2024 and promote the petitioner as Forester with all consequential and monetary benefits.



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4. The grievance of the petitioner is that even though the rules does not bar a person's name to be included in the approved list of promotion if he was given with a show cause or charge under 17(A), the petitioner's name was not included in the panel. In the impugned order dated 20.05.2024 also, the above rule is mentioned as under:

4) In this regard the following rule provision exists in Schedule XI of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 Section 4 & 11:-

“(4) Issuance of show cause notice or charges framed under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against a member of service shall not be a bar for inclusion of his name in the approved list.”

“(11) 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 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”



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5. However, the respondent has chosen to issue the impugned order not to include the petitioner even though he is conscious of the fact that the petitioner's charges were only under Rule 17(a) and not under Rule 17(b).

6. Mr.M.Lingadurai, learned Special Government Pleader for the respondent submitted that in consequent to the show cause issued under Rule 17(a), the petitioner has been given with the punishment of stoppage of increment for a period of six months without cumulative effect.

7. M/s.M.Padmavathy, learned counsel for the petitioner submitted that the punishment order was passed only on 29.02.2024, but the promotion panel was prepared on 14.02.2024 and the immediate juniors of the petitioner have also been promoted and joined on 21.02.2024. On the crucial date for preparing the panel for the promotion and on the date during which the petitioner's juniors were given with promotion, there was no punishment pending against the petitioner. However, the said punishment might affect the petitioner's future promotion, depending upon the decision of the promoting authority. Insofar as the present



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charge under Rule 17(a) is concerned, the punishment consequent to the said charge was not in force. There was no punishment pending against the petitioner on the date of preparing the panel for the promotion and on the date during which the petitioner's juniors were given with promotion.

8. In view of the above stated reasons, this Writ Petition is **allowed** and the impugned proceedings in Ref.No.AB1/7671/2024 dated 20.05.2024 is quashed. The respondent is directed to promote the petitioner as Forester with effect from the date on which his immediate juniors were promoted and the monetary benefits shall be given from the date when the petitioner joins and the respondent is further directed to fix the seniority of the petitioner above his juniors and pass orders. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No costs.

11.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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R.N.MANJULA, J.

Nsr

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