



W.A.(MD).No.2158 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.2158 of 2024
and
C.M.P.(MD)No.15182 of 2024**

The Transport Commissioner,
Chepauk,
Chennai – 5.

... Appellant

-VS-

S.Rajadurai

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.8507 of 2024, dated 10.07.2024.

For Appellant	: Mr.P.T.Thiraviyam, Government Advocate
For Respondents	: Mr.R.Subramanian For Mr.A.Robinson

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Mr.R.Subramanian, learned counsel takes notice for the respondent.



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2.The Appeal is at the instance of the Government. The respondent challenged his non inclusion in the panel for promotion for the crucial date 15.03.2021 prepared in the year 2023. Though the respondent was fully qualified as on the crucial date 15.03.2021, since he was subsequently chargesheeted, he was not included in the panel prepared on 26.02.2024 for the panel year 2021 – 2022. The charge sheet was issued only on 23.05.2023. The chargesheet is based on a surprise inspection conducted on 29.10.2021. Both these events are after the crucial date, the Writ Court rightly held that in so far as inclusion in the panel for promotion is concerned, the status of an employee as on the crucial date alone is to be taken on account, any subsequent events cannot be taken into account. This view of the Writ Court is supported by the judgment of a Hon'ble Division Bench in W.A.No.846 of 2019, where the Hon'ble Division Bench has elaborately discussed the issue and held that the pendency of charges as on the crucial dates alone will count and not subsequent events. The Hon'ble Supreme Court has also taken the same view in ***Union of India and others v. Doly Loyi*** reported in **2024 SCC Online SC 2613**.



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3. In view of the settled legal position, we see no merit in the Appeal.

Hence, the Writ Appeal fails and it is accordingly, dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
24.10.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Mrn

To

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