



WEB COPY

W.P.No.1951'



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 20.01.2025**

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.No.19517 of 2010**

A.Selvaraju

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
Represented by its Secretary to Government,  
Department of Health and Family Welfare,  
Secretariat, Chennai – 600 009.

2. The Director,  
Office of the Director of Public Health and Preventive Medicine,  
Anna Salai, Chennai – 600 006.

3. The Deputy Director,  
Office of the Deputy Director of Health Services,  
Coimbatore – 641 018.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records of the second respondent pertaining to final order Proc.R.No.25339/DA/03-SI dated 28.04.2010 quash the same and to direct the second respondent to give promotion as administrative panel years 2008 to 2010 on par with petitioners junior.

[Prayer amended vide order dated 08.01.2025 made in WMP No.715 of 2025]

For Petitioner

: Mr.P.Saravanan



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For Respondents : Mr.K.Tippu Sultan,  
Government Advocate

## **ORDER**

This writ petition has been filed challenging the proceedings dated 28.04.2010, whereby the petitioner was imposed with a punishment of 'stoppage of increment for a period of three months without cumulative effect' and also seeking a consequential direction to promote the petitioner to the post 'Administrative Officer' on par with his junior viz., Tmt.Jhansi Rani with effect from the panel year 2009-2010.

2. This court after having heard the matter at length, is of the considered view that the impugned order does not require any interference as the punishment that was imposed is the one which is trivial in nature and there are no procedural irregularities in the matter imposing the said punishment.

3. However, it is necessary to notice that though the ultimate punishment that was imposed on the petitioner is trivial in nature, the pendency of the disciplinary proceedings for long period has prejudicially affected the promotional prospects of the petitioner on par with his junior. Therefore, this court is convinced



that the matter is required to be considered, insofar as the consequential relief that is sought for in the main writ petition is concerned.

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4. In this regard, it is necessary to refer to certain brief and relevant facts in the matter.

4.1. The disciplinary proceedings were initiated against the petitioner by issuing a show-cause notice dated 12.09.2002 for which the petitioner has submitted his explanation. However, for the reasons best known to the respondents, no action has been taken till 22.05.2009 when an Enquiry Officer was appointed for the purpose of enquiring into the charges that are levelled against the petitioner. It was thereafter, a final order was passed on 28.04.2010, imposing the punishment of 'stoppage of increment for a period of three months without cumulative effect'. Thus, from the nature of the punishment that was imposed on the petitioner, it is evident that the charges levelled against the petitioner are minor in nature and the punishment that was imposed is trivial in nature. But the fact remains that the alleged charge against the petitioner pertains to the period anterior to 12.09.2002 and the proceedings have been initiated against the petitioner on 12.09.2002 by issuing a show-cause notice. Had the respondents continued in the proceedings that were initiated on 12.09.2002 immediately thereafter and



concluded the same, the entire proceedings would have concluded within a period of six months or at the most in a year or two. That means by the year 2004 or 2005, the said disciplinary proceedings would have come to an end, but the respondents have not taken any action till 22.05.2009, the date on which the Enquiry Officer was appointed and it was thereafter, a final order passed on 28.04.2010. Admittedly, the case of the petitioner came up for consideration during the panel year 2009-2010 for promotion to the post of 'Administrative Officer' and admittedly, one person by name Tmt.Jhansi Rani who is admittedly junior to the petitioner was considered and promoted to the post of 'Administrative Officer' during the panel year 2009-2010 through proceedings dated 24.03.2010 and the said junior had joined in the post of 'Administrative Officer' on 19.04.2010. But the case of the petitioner was differed during the panel year 2009-2010 only on the ground that the disciplinary proceedings referred to above have been pending.

5. As already noted above, the said disciplinary proceedings though were initiated in the year 2002, but they were not concluded till 2010. The petitioner cannot found fault for such abnormal delay in concluding the disciplinary proceedings. Thus, the impugned order is liable to be quashed on the ground of delay in concluding the said proceedings. But this court is not inclined to interfere



with the said proceedings on that ground but is inclined to hold that in case if the petitioner is allowed to suffer it is not allowed the benefit of promotion on par with his junior, the same would amount to punishing the petitioner for the second time while imposing the punishment of 'stoppage of increment for a period of three months without cumulative effect' only because of the delay on the part of the respondents. Therefore, this court is of the considered view that the delay in conclusion of the disciplinary proceedings prejudicially affected the interest of the petitioner and depriving him of availing the benefit of promotion on par with his junior. Had the respondents concluded the disciplinary proceedings that were initiated on 12.09.2002 immediately thereafter, at the most within a period of three years, the case of the petitioner would have been considered for promotion on par with his junior.

6. In the light of the above, while this court is not inclined to interfere with the impugned punishment. However, the punishment that was imposed shall be related back to the year 2002 and shall be not allowed to come in the way of the petitioner to claim the benefit of the promotion during the panel year 2009-10 on par with his junior. In the light of the above, this court is of the considered view that the action of the respondents in not concluding the disciplinary proceedings



within a reasonable time is illegal and arbitrary and consequently, the respondents are directed to extend the benefit of promotion to the petitioner on par with his junior Tmt.Jhansi Rani and extend all other consequential benefits including the monetary benefits, as expeditiously as possible, at any rate within a period of eight weeks from the date of receipt of a copy of this order.

**MUMMINENI SUDHEER KUMAR, J.**

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7. Accordingly, the writ petition is disposed of. No costs. Connected miscellaneous petitions, if any, shall stand closed.

**20.01.2025**

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

**W.P.No.19517 of 2010**

To

1. The Government of Tamil Nadu,  
Represented by its Secretary to Government,  
Department of Health and Family Welfare,  
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2. The Director,



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