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W.P. No.3764 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.3764 of 2024

and

W.M.P. Nos.4073 and 4074 of 2024

C.Rajendran

Petitioner

Vs

1. The Director of Municipal
Administration
No.75, Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai- 600 028.

2. The Principal Secretary to
Government
Municipal Administration and Water
Supply Department,
Fort St. George, Secretariat,
Chennai- 009.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Ceritorarified Mandamus, calling for the records relating to the impugned Memorandum issued by the 1st respondent in Roc No. 1037/ 2023 /GA.3 dated 15.12.2023 and quash the same and consequently direct the 1st and 2nd respondents to include the name of the petitioner in the



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panel prepared for the year 2022- 23, as on the crucial date 15.03.2022 and to promote him as Town Planning Officer Grade - I on par with his Junior Thiru S.Govindarajan with all monetary and service benefits

For petitioner : Mr. T. Ranganathan
For respondents : Mr.C. Selvaraj
Additional Govt. Pleader

ORDER

This writ petition has been filed seeking quashment of the impugned Memorandum issued by the 1st respondent in Roc No. 1037/ 2023 /GA.3 dated 15.12.2023 and consequently direct the 1st and 2nd respondents to include the name of the petitioner in the panel prepared for the year 2022- 23, as on the crucial date 15.03.2022 and to promote him as Town Planning Officer Grade - I on par with his Junior Thiru S.Govindarajan with all monetary and service benefits

2. Facts in brief

a) The petitioner was initially appointed as Town Planning Inspector and regularised and thereafter posted at Tuticorin Municipality on 27.06.1995. He was promoted as Town Planning Officer Grade II in the year 2018 and is presently working at Rasipuram Municipality, Namakkal District. His next promotion to the post of Town Planning Officer Grade I pertains to the panel



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year 2022–2023, for which the crucial date is 15.03.2022.

b) While the petitioner was working at Tiruverkadu Municipality, a criminal case under Section 7 of the Prevention of Corruption Act was registered by the DVAC, alleging seizure of unaccounted money, pursuant to which he was placed under suspension on 18.02.2021. Subsequently, the 2nd respondent vide G.O.(D) No.301 dated 22.08.2022, directed the 1st respondent to initiate departmental proceedings against the petitioner, and later the criminal case was dropped on 08.02.2023. Consequent thereto, the suspension was revoked on 08.02.2023, and the suspension period was ordered to be treated as duty under Rule 54(B) of the Tamil Nadu Fundamental Rules. Thereafter, departmental proceedings under Rule 17(b) were initiated against the petitioner on 31.05.2023 viz., after the crucial date. In the meanwhile, the impugned order dated 15.12.2023 was issued by the 1st respondent, thereby the name of the petitioner was not included in the promotion panel. Challenging the denial order dated 15.12.2023, which is impugned herein, this writ petition has been filed.

3. Learned counsel for the petitioner submitted that as on the crucial date i.e., 15.03.2022, neither any charge sheet had been filed in the criminal case nor were any departmental proceedings pending against the petitioner. Mere



pendency of an FIR, without framing of charges, cannot be a ground to deny consideration for promotion.

4. He further submitted that the criminal case was ultimately dropped by the Government and formally closed by the Judicial Magistrate, and no recovery was established against the petitioner. Another disciplinary proceedings were initiated only on 31.05.2023, much after the crucial date, and therefore, cannot retrospectively affect the petitioner's right to be considered for promotion. Hence, he prayed for appropriate directions to consider the petitioner for promotion with all consequential benefits.

5. Learned counsel vehemently contended that eligibility for promotion has to be assessed strictly with reference to the crucial date. Reliance is placed on the decision of this Court on 03.04.2006 in W.P. (MD) No4473 of 2005 in the case of ***G. Usharani vs. Secretary to Government, Revenue Department***, wherein it was held that subsequent initiation of disciplinary proceedings cannot deprive an employee of promotion already accrued on the crucial date. Hence, denial of promotion is arbitrary, especially when the petitioner's junior was promoted. Therefore, the impugned Memorandum, dated 15.12.2023 issued by the 1st respondent is unsustainable and the same has to be quashed. Further, he



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sought for issuance of consequential directions to the respondents 1 and 2 to consider the claim of the petitioner for promotion.

6. Learned Additional Government Pleader appearing for the respondents submitted that the petitioner was working at Tiruverkadu Municipality, a huge sum of money was seized by DVAC officials and thereby a criminal case under the Prevention of Corruption Act was registered. Though the criminal case was later dropped, liberty was granted to initiate departmental proceedings, which are now pending. He further contended that during the relevant period, serious allegations were pending against the petitioner and therefore, his non-inclusion in the promotion panel is justified. However, he submitted that the disciplinary proceedings will be concluded within the time to be stipulated by this Court.

7. This Court has considered the rival submissions and perused the entire records.

8. It is not in dispute that the crucial date for preparation of the promotion panel is 15.03.2022. As on the said date, no charge memo had been issued against the petitioner and no punishment was in currency. As rightly contended by the learned counsel for the petitioner that mere pendency of an FIR, without filing of a charge sheet, cannot be a bar for consideration for promotion. The



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criminal case was subsequently dropped by the 2nd respondent /Government and closed by the Magistrate Court. It is further noted that the departmental proceedings under Rule 17(b) were initiated only on 31.05.2023, long after the crucial date. Subsequent events cannot retrospectively deprive the petitioner of his right to be considered for promotion. Therefore, this Court is of the view that the action of the respondents in denying promotion to the petitioner is arbitrary and unsustainable in law and the same is liable to be quashed.

9. For the reasons aforesaid, the impugned order dated 15.12.2023 issued by the 1st respondent is hereby quashed. The respondents are directed to consider the case of the petitioner for promotion to the post of Town Planning Officer Grade I, with reference to the crucial date 15.03.2022, and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

18.12.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

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Administration
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M. DHANDAPANI, J.

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