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W.P.No.5418 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

**CORAM:
THE HONOURABLE MR. JUSTICE T.VINOD KUMAR**

W.P.No.5418 of 2021

R.Radhakrishnan

.. Petitioner

vs

1.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Services Wing (Ser.3(2) Section)
Secretariat,
Chennai-9.

2.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Chepauk,
Chennai-5.

3.The Collector,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the first respondent vide G.O.(1D).No.380 dated 22.8.19 and also the proceedings of the second respondent vide Proceedings No.Ser.3 (1)/8257/2018 dated 11.08.2018 respectively and to quash the same and consequently promote the petitioner to the post of Deputy Tahsildar by including in the panel drawn for the year 2017 in Villupuram District above Gunasekaran below Dhakshinamurthy.

For Petitioner : Mr.S.Vijayakumar



4. Petitioner further contended that as per the provisions of Section 7(1) of Tamil Nadu Government Servants (Conditions of Service) Act 2016 (in short “Act”) and Sub-clause(5) Part A of Schedule XI, only if specific charges are framed or charge sheet has been filed in a criminal case on the crucial date, the name shall not be considered for inclusion in the approved list and since, on the crucial date i.e., 15.09.2017, as no charge sheet has been filed in Crime No.3 of 2014, the respondents could not have excluded the name of the petitioner for being included in the panel drawn for the year 2017.

5. It is further contended that the aforesaid Sub Clause (5) has been made part of the Act on the basis of the guidelines issued earlier by the Personnel and Administrative Reform (S) Department, vide letter No.18824/S/2005-2 dated 07.10.2005.

6. The petitioner further contended that on his name being excluded from the panel of candidates to be promoted as Deputy Tahsildar in the year 2017, firstly, he had approached the second respondent and submitted a representation dated 28.06.2018 and the same was rejected. Aggrieved by the said rejection, he had availed further remedy by filing



representation to the first respondent which was also rejected by the first respondent vide his order dated 22.08.2019 and that both the orders of the 2nd and 1st respondents respectively are contrary to Sub Clause (5) of Clause II Part A of Schedule XI of the Act and thus, are liable to be set aside.

7. Counter affidavit on behalf of the respondents is filed. By the counter affidavit, the respondents by denying the writ averments except those which are specifically admitted, contend that though the petitioner had obtained requisite qualifications for the post of Deputy Tahsildar on the date of drawal of the panel for the year 2017, by considering the pendency of the criminal case against the petitioner, the name of the petitioner was not included in the panel of Deputy Tahsildar for the year 2017; that in the criminal case registered against the petitioner vide FIR No.3 of 2014, the charge sheet was filed on 01.11.2017 as per the information obtained from the Deputy Director and Superintendent of Police (I/C), Western Range, Vigilance Anti-Corruption, Chennai, vide letter dated 27.03.2018 and since, on the date of the respondents preparing the panel of Deputy Tahsildar viz., 30.01.2018, as charge sheet has been filed, the name of the petitioner was not included in the panel drawn for the year 2017.



8. By the counter affidavit, the respondents admit to the fact that no charge memo has been issued to the petitioner in connection with the aforesaid crime nor any entries were made in the Service Register. The respondents by counter affidavit further contended that since, on the day i.e., on 30.01.2018, charge sheet having been filed in the criminal case registered against the petitioner, the petitioner cannot claim his name to be included in the panel of candidates of the year 2017 for being promoted as Deputy Tahsildar and, in the event of getting acquittal in the aforesaid crime, the authorities will consider for granting promotion.

9. I have taken note of the respective contentions urged.

10. Though on behalf of the respondents it has been contended that on the date when the panel was prepared i.e., on 30.01.2018, the charge sheet having been filed against the petitioner in FIR. No.3 of 2014 as the basis for non-consideration/ inclusion of the petitioner's name in the panel of candidates for promotion to the post of Deputy Tahsildar of the year 2017, a reading of Clause II of Part A of Schedule XI of the Act, 2016 specifically provides that only when the charge sheet is filed in the criminal case on the



crucial date, a candidate's name shall not be considered for inclusion of the approved list.

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11. Sub-Clause (5) of Clause II in Part-A Schedule XI of Tamil Nadu Government Servants (Conditions of Service) Act 2016 is extracted hereunder:

“5. Mere filing of cases in Courts by the appropriate investigating Authority against a member of service, shall not be a bar for inclusion of his name in the approved list. If specific charges are framed or charge sheet has been filed in the criminal case on the crucial date his name shall not be considered for inclusion in the approved list.”

12. Since, there is no dispute as to the crucial date for preparing the panel to be promoted from Assistant to Deputy Tahsildar is 15.09.2017, the filing of charge sheet by the Vigilance and Anti-corruption authorities on 01.11.2017 or preparation of the panel on 30.01.2018 being subsequent dates cannot have any bearing while preparing the list of candidates to be promoted as Deputy Tahsildar. If only the Clause stipulated otherwise by stating that either on the date of preparation of panel or its consideration, if any crime is registered or charge sheet is filed in the aforesaid crime is to



be excluded for being considered for promotion, then only, the respondents could rely on the subsequent events for excluding the name of the petitioner from being considered.

13. Since, in the Act, specific words are used viz., on the 'crucial date', and since, the crucial date being 15.09.2017 for the panel year 2017 and on the said date, as no charge sheet has been filed in the criminal case, the mere fact of a criminal case being registered vide FIR No.3 of 2014 or for that matter, the authorities having accorded sanction for prosecuting in the month of March, 2017, would not make any difference for the respondents to consider the name of the petitioner for being included in the panel list of the year 2017.

14. If only the respondents authorities intended not to consider the petitioner's name for being included in the panel list of the year 2017 on 15.09.2017, the respondents ought to have impressed upon the Vigilance and Anti-Corruption authorities for filing a charge sheet, after according sanction in the month of March, 2017, rather than waiting till the concerned authorities filing a charge sheet in the month of November 2017 and considering the same for non-inclusion of petitioner's name on 30.01.2018.



15. Further, in similar circumstances, a Co-ordinate Bench of this Court in W.P.No.14142 of 2018 after referring to various decisions of this Court having taken similar view, in order to maintain parity, this Court is of the view that the petitioner in the present case is also entitled for being granted similar relief.

16. Accordingly, the writ petition is allowed. The impugned proceedings dated 11.08.2018 of the second respondent and the order of first respondent dated 22.08.2019 are quashed and the respondents are directed to include the name of the petitioner in the panel of Deputy Tahsildar of the year 2017 at appropriate place to reconsider his eligibility and grant promotion with all consequential benefits within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

13.10.2025

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

To

8/10



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T. VINOD KUMAR, J.

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