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WP No. 5168 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 5168 of 2024
AND WMP NO. 5680 OF 2024**

S.Gundumani,

Petitioner(s)

Vs

The Transport Commissioner,
Chepauk, Chennai - 600 005.

Respondent(s)

PRAYER; Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records of the Respondent in connection the Impugned Order passed in R.No. 40790/T1/2023(E.O.No47/2024), dated 29.01.2024 in which the Petitioners name shown in SI.No. 18 therein and quash the same and consequently direct the Respondent herein to confirm the Petitioners Promotion Order passed by Respondent during the year 2020-2021.

For Petitioner(s): Mr.A.Ganesan
For Respondent(s): Mr.K.Surendran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the respondent and for a consequential direction to the respondent herein to



confirm the petitioner's promotion order passed by the respondent during the year 2020-2021.

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2. Heard Mr.A.Ganesan, learned counsel for the petitioner and Mr.K.Surendran, learned Additional Government Pleader appearing on behalf of the respondent.

3. The case of the petitioner is that he was appointed as Motor Vehicle Inspector Grade II in Transport Department through Tamil Nadu Public service Commission by way of direct Recruitment on 18.11.2016 and posted in the office of the RTO, Krishnagiri on 03.02.2017. The petitioner had undergone the training as prescribed and his probation was declared and service regularised. Though the petitioner was promoted under Section 47 of the Act after qualifying for promotion for the year 2020-2021 and working as Motor Vehicles Inspector Grade I till date, his name was not considered for promotion to the post of Motor Vehicles Inspector Grade I. Challenging the said impugned order, the present writ petition has been filed before this Court.

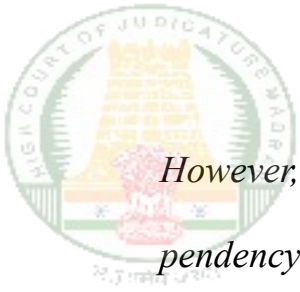
4. Mr.K.Surendran, learned Additional Government Pleader, relying upon the counter affidavit submitted that temporary promotion to the post of the Motor Vehicles Inspector Grade I was accorded to the petitioner vide letter



dated 26.02.2021 under Section 47(1) of the Tamil Nadu Government servants (Conditions of Service) Act, 2016. The respondent department had drawn the panel for the post of Motor vehicles Inspector Grade I for the 2021-2022 only in the year 2024. Since the petitioner was facing charges under Section 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, his name was deferred in the panel for the year 2021-2022 and hence, prayed for dismissal of this writ petition.

5. It is an admitted fact that the petitioner is facing disciplinary proceedings under Section 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. As per Rule 39 of the Tamil nadu State and Subordinate Service Rules read with the guidelines issued by the Government in GO.Ms.No.368 Personnel and Administrative Reforms Department dated 18.10.1993, if a Government Servant is facing disciplinary proceedings, his name shall not be included in the panel for promotion until the proceedings are concluded.

6. The Hon'ble Apex Court in ***Union of India Vs. K.V.Janakiraman reported in (1991) 4 SCC 109*** wherein it has been held that *if disciplinary proceedings are pending, the case of the employee shall be kept in a sealed cover and promotion shall be made only after the proceedings are concluded.*



However, the employee cannot claim promotion as a matter of right during the pendency of such proceedings.

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7. In the present case, the department has only deferred the petitioner's name and not denied consideration permanently. The petitioner's temporary promotion under Section 47(1) is also subject to the outcome of the disciplinary proceedings.

8. The delay in drawing the panel till 2024, though unfortunate, does not confer an automatic right on the petitioner to claim regular promotion while disciplinary proceedings are still pending. Therefore, the action of the respondent in deferring the petitioner's name in the 2021-2022 panel cannot be said to be illegal or arbitrary.

9. In the result, the writ petition is dismissed. The respondent is however directed to expedite the Section 17(b) disciplinary proceedings against the petitioner and conclude the same within a period of eight weeks from the date of receipt of a copy of this order. On conclusion of the disciplinary proceedings, the respondent shall consider the petitioner's case for inclusion in the appropriate panel for promotion to the post of Motor Vehicles Inspector Grade I in accordance with law and Rules. The temporary promotion granted to the



petitioner vide letter dated 26.02.2021 shall continue till the disciplinary proceeding are concluded and the petitioner's case for regular promotion is considered. Consequently, connected miscellaneous petitions are closed. No costs.

11-12-2025

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

To

The Transport Commissioner,
Chepauk, Chennai - 600 005.



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