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W.P.Nos.10909 & 11178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.10909 & 11178 of 2025

WP.no.10909 of 2025

S.Rajeswari

... Petitioner

Vs.

1.THE TRANSPORT COMMISSIONER,
CHEPAUK, CHENNAI 600 005.

2.THE JOINT TRANSPORT COMMISSIONER / ADMINISTRATION,
CHEPAUK, CHENNAI 600 005

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent herein passed in Proc.No. 11361/RA2/2016 (E.O.No.87/2024) dated 19.02.2024 insofar as deferring the petitioner name for promotion as superintendent for the year 2016-2017 in concerned and quash the same and consequently direct the respondents herein to include the petitioner name in the panel of fully qualified Assistant fit for promotion as Superintendent for the year

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2016-2017 in appropriate place with due seniority and all other consequential benefit by placing the petitioner above the petitioner's junior Thiru.S.Ezhilan in Serial No. 50 in the impugned panel

For Petitioner : M/s.Thenmozhi Shivaperumal

For Respondents : Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader

WP.no.11178 of 2025

M.Sujatha

... Petitioner

Vs.

1.THE TRANSPORT COMMISSIONER,
CHEPAUK, CHENNAI 600 005.

2.THE JOINT TRANSPORT COMMISSIONER / ADMINISTRATION,
CHEPAUK, CHENNAI 600 005

... Respondents

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qualified Assistant fit for promotion as Superintendent for the year 2016-2017 in appropriate place with due seniority and all other consequential benefit by placing the petitioner above the petitioner's junior Mrs.G.Shanthi in Serial No. 55 in the impugned panel

For Petitioner : M/s.Thenmozhi Shivaperumal

For Respondents : Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader

COMMON ORDER

The writ petition in WP.No.10909 of 2025 has been filed challenging the order passed by the 1st respondent herein passed in Proc.No. 11361/RA2/2016 (E.O.No.87/2024) dated 19.02.2024 insofar as deferring the petitioner name for promotion as superintendent for the year 2016-2017 is concerned and consequently to direct the respondents herein to include the petitioner name in the panel of fully qualified Assistant fit for promotion as Superintendent for the year 2016-2017 in appropriate place with due seniority and all other consequential benefit by placing the petitioner above the petitioner's junior Thiru.S.Ezhilan in Serial No. 50 in the impugned panel. The writ petition in WP.No.11178 of 2025 has been filed challenging the order passed by the 1st respondent herein passed in



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Proc.No. 11361/RA2/2016 (E.O.No.87/2024) dated 19.02.2024 insofar as

deferring the petitioner name for promotion as superintendent for the year 2016-2017 is concerned and consequently to direct the respondents herein to include the petitioner name in the panel of fully qualified Assistant fit for promotion as Superintendent for the year 2016-2017 in appropriate place with due seniority and all other consequential benefit by placing the petitioner above the petitioner's junior Mrs.G.Shanthi in Serial No. 55 in the impugned panel.

2. Since the petitioners have challenged the same proceedings of the first respondent, this Court passes common order. Both the petitioners were appointed as Typist and promoted to the post of Assistant. Thereafter both were qualified for promotion to the post of Superintendent and to be included in the panel for the year 2016-2017. However, the respondents did not publish any panel for promotion to the post of Superintendent. However, they were granted temporary promotion to the post of Superintendent in the year 2020 under Section 47(1) of the Tamilnadu Government Servant (Conditions of Service) Act, 2016 (hereinafter called as 'the Act'). As per the order passed by the Hon'ble Supreme Court of India, the seniority list to be revised based on merits.

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Accordingly, the respondents by the communication dated 19.02.2024

had published a panel of fully qualified Assistants fit for promotion to the post of Superintendent for the year 2016-2017, 2018-2019 and 2020-2021. Their juniors were included in the panel. Instead of placing the petitioners above their juniors, their names have been deferred for inclusion on the ground that both the petitioners were issued charge memo under Section 17(b) of the Tamilnadu Civil Services (Discipline and Appeal) Rules. While being so, some of the persons who were similarly deferred from the panel approached this Court in WP.No.5018, 5020 of 2024, etc batch and this Court quashed the proceedings dated 19.02.2024 and directed to include the persons who approached this Court in the panel of Assistants for promotion to the post of Superintendent for the year 2016-2017. However, the petitioners were not considered and as such, they submitted representation. However, it was rejected by an order dated 19.02.2024. Therefore, challenging the deferred list dated 19.02.2024 for the panel of the year 2016-2017 for promotion to the post of Superintendent, these writ petitions have been filed.

3. The learned learned counsel for the petitioners submitted



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that mere pendency of the charge memo cannot be the ground to defer the petitioners' names in the panel for promotion to the post of Superintendent. That apart, the charge memos were quashed by this Court. Therefore, deferred list insofar as the petitioners are concerned, cannot be sustained.

4. On perusal of the counter filed by the second respondent and also on submissions of the learned Additional Government Pleader appearing for the respondents, it is revealed that the petitioner in WP.no.10909 of 2025, while working as Superintendent, she was served with charge memo related to disproportionate assets and also she illegally got second marriage. Insofar as the petitioner in WP.No.11178 of 2025, she was served with charge memo dated 20.04.2023 with regards to a great misconduct by approving false data in generation of smart card registration certificate with the increased RLW against the actual RLW mentioned in form 21 of Goods Vehicles by using co-staff user id and password of RTO in Vahan Software with an ulterior motive to escape from the fraud committed which is against the instructions of the Transport Commissioner. As per Section 47(1) of the Act, the petitioners were temporarily promoted to the post of Superintendent by an order

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dated 25.09.2020 on conditions that the promotion is purely temporary

and will not confer on the individual any rights for preferential claim to future promotion to such higher category or seniority. The individual shall be replaced as soon as possible by the members of the service, who is entitled to promotion under Section 47(3) of the Act. Their promotions shall be liable to be terminated by appointing authority at any time without any notice and without any reason. Further, Section 7(1) of the Act clearly says that pendency of the charges framed under Rule 17(b) of the Tamilnadu Civil Services (Discipline and Appeal) Rules against a member of a service shall be a bar for inclusion of his name in the approved list. Admittedly, charges under Rule 17(b) of the Rules are pending against the petitioners. Therefore, the petitioners are not fit for inclusion in the panel for promotion to the post of Superintendent. Therefore, this Court finds no infirmity or illegality in the deferred list dated 19.02.2024.

5. As such, both the writ petitions are devoid of merits and the same are liable to be dismissed. However, only after conclusion of the disciplinary / criminal proceedings, the petitioners are entitled to be included in the panel for promotion to the post of Superintendent.



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Therefore, the respondents are directed to consider the petitioners after conclusion of the disciplinary proceedings / criminal cases, if any, for promotion to the post of Superintendent in accordance with law.

6. With the above direction, both the writ petitions are dismissed. There shall be no order as to costs.

18.11.2025

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

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