



W.A No. 2577 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-09-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 2577 of 2025

AND

CMP.No. 20593 of 2025

1. The State of Tamil Nadu
rep by the Secretary to Government,
Education Department, Secretariat,
Chennai-600009.

2.The Director of School Education
(Personnel), College Road,
Chennai-600006.

3.The Joint Director of School Education
(Personnel Establishment)
College Road,
Chennai-600006.



W.A No. 2577 of 2025

WEB COPY

4.The District Elementary Educational Officer,
Salem.

5.The District Elementary Educational Officer,
Dharmapuri.

..Appellants

Vs

M.Angayee

D/o. Late Marappan

..Respondent

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the
order dated 13.08.2024 passed in W.P.No. 6882 of 2016.

For Appellants: Mr. S.Yashwanth, AGP

For Respondents : Mr. S.N.Ravichandran

JUDGMENT

(made by ***HEMANT CHANDANGOUDAR, J.***)

This intra-court appeal is directed against the order dated 13.08.2024 passed by the learned Single Judge in W.P.No.6882 of 2016. By the impugned order, the learned Single Judge quashed the orders of the appellant rejecting the writ petitioner's request for promotion and directed the appellant to consider the case of the writ petitioner for promotion to the post of Superintendent from



W.A No. 2577 of 2025

the year 2008, and to pass appropriate orders within the time stipulated therein.

2. The case of the writ petitioner/respondent herein is that he was promoted to the post of Assistant on 26.10.1995. He became eligible for promotion to the post of Superintendent in September 2008. However, his claim for such promotion was denied on the ground of pendency of disciplinary proceedings initiated against him by issuance of a charge memorandum dated 21.10.2008. The departmental enquiry culminated in the imposition of a minor punishment of stoppage of increment for a period of six months without cumulative effect. The said punishment was challenged before this Court in W.P.No.11660 of 2015, wherein the writ petitioner also sought a direction to the appellants to promote him to the post of Superintendent with effect from September 2008, on par with his juniors.

3. The Writ Court, by order dated 21.04.2015, disposed of the writ petition with a direction to the appellants to consider the case of the writ petitioner for promotion, taking note of the proceedings of the third respondent dated 04.11.2013, on merits, inasmuch as the petitioner had already retired from



W.A No. 2577 of 2025

service on 30.04.2013. Pursuant thereto, the appellants rejected the request for promotion, which necessitated the filing of the present writ petition in W.P.No.6882 of 2016, culminating in the impugned order.

4. Mr. S.Yashwanth, learned Additional Government Pleader appearing for the appellants contended that the writ petitioner was not entitled to be considered for promotion with effect from September 2008, since as on that date, the departmental enquiry was pending, having been initiated under the charge memo dated 21.10.2008, which ultimately resulted in the imposition of minor penalty on 20.12.2011. It was therefore urged that the learned Single Judge was not justified in treating 15.03.2008 as the crucial date for consideration of the petitioner's promotion. Counsel further submitted that in the earlier round of litigation, this Court had, by order dated 21.04.2015, directed consideration of the petitioner's case for promotion on merits, taking note of the further proceedings dated 04.11.2013, only because the petitioner had already retired on 30.04.2013, and not with reference to 15.03.2008. Hence, it was argued that the petitioner was not entitled for promotion with retrospective effect from September 2008. At the highest, the petitioner could



W.A No. 2577 of 2025

claim promotion only after expiry of six months from the date of penalty, i.e., from 20.06.2012.

5. Per contra, Mr.S.N.Ravichandran, learned counsel appearing for the writ petitioner/respondent submitted that as on the crucial date i.e., 15.03.2008, there was no departmental proceeding pending against the writ petitioner, the charge memo having been issued only subsequently on 21.10.2008. Therefore, the writ petitioner was fully eligible for promotion as on the said date. It was thus contended that the learned Single Judge, having taken note of this factual position, rightly quashed the rejection order and directed consideration of the petitioner's case for promotion from 2008. The impugned order, according to counsel, does not warrant interference.

6. We have considered the submissions of the learned counsel on either side and perused the materials placed on record.

7. It is not in dispute that the charge memorandum against the writ petitioner was issued only on 21.10.2008. The departmental enquiry culminated



W.A No. 2577 of 2025

in the imposition of a penalty on 20.12.2011, whereby one increment was withheld for six months without cumulative effect. The punishment so imposed came to an end on 20.06.2012. It is also undisputed that the said punishment was subjected to challenge before this Court in W.P.No.11006 of 2015, in which the writ petitioner also sought a direction to promote him to the post of Superintendent with effect from the date on which his juniors were promoted in September 2008, with all consequential benefits.

8. The learned Single Judge, by order dated 21.04.2015, disposed of the writ petition holding that the writ petitioner had suffered a penalty only for six months vide order dated 20.12.2011, which expired on 20.06.2012, and directed the appellants to consider the writ petitioner's request for promotion taking note of the proceedings dated 04.11.2013, since he had already retired from service on 30.04.2013.

9. In this backdrop, though the writ petitioner was eligible for promotion from September 2008, as on the said crucial date no departmental enquiry was pending, his entitlement to monetary benefits flowing from such promotion cannot be recognized during the currency of the departmental enquiry till expiry of the punishment which came to end on 20.06.2012. The reason being



W.A No. 2577 of 2025

he had not worked in the post of superintendent on account of pendency of the departmental enquiry , and also the punishment imposed has attained finality . To this extent, the direction issued by the learned Single Judge treating the petitioner as entitled to monetary benefits from September 2008 is legally unsustainable.

10. In light of the foregoing discussion, this Court is of the considered view that:

- i) The writ petitioner/respondent herein shall be entitled to notional promotion to the post of Superintendent with effect from September 2008 for all purposes relating to fixation of seniority and computation of pensionary benefits.
- ii) However, the writ petitioner/respondent shall be entitled to monetary benefits arising from such promotion only with effect from 20.06.2012 (the date on which the punishment period came to an end) till his retirement on 30.04.2013.
- iii) The notional promotion from September 2008 till 20.06.2012 shall count only for the limited purpose of reckoning pension and pensionary benefits, but no arrears of salary shall be payable for that period.



W.A No. 2577 of 2025

WEB COPY

11) . Accordingly, the following order is passed:

i) The writ appeal is allowed in part.

ii) The appellants are directed to extend notional promotion to the writ petitioner/respondent to the post of Superintendent with effect from September 2008, and to pay all monetary benefits flowing therefrom, including fixation of pension and pensionary benefits.

iii) The writ petitioner/respondent shall not be entitled to arrears of salary in the post of Superintendent for the period from September 2008 till 20.06.2012.

iv) The aforesaid exercise shall be completed within a period of three months from the date of uploading of this order on the official website of this Court.

v) Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(R.S.K. J.,) (H.C. J.,)

02.09.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

ak



W.A No. 2577 of 2025

WEB COPY

To

1. The Secretary to Government,
Education Department, Secretariat,
Chennai-600009.

2. The Director of School Education
(Personnel), College Road,
Chennai-600006.

3. The Joint Director of School Education
(Personnel Establishment)
College Road,
Chennai-600006.

4. The District Elementary Educational Officer,
Salem.

5. The District Elementary Educational Officer,
Dharmapuri.



WEB COPY



W.A No. 2577 of 2025

R. SURESH KUMAR, J.

and

HEMANT CHANDANGOUDAR, J.,

ak

W.A.No. 2577 of 2025

02.09.2025



W.A No. 2577 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2577 of 2025

and

C.M.P.No.20593 of 2025

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Education Department,
Secretariat,
Chennai - 600 009.
2. The Director of School Education (Personnel),
College Road,
Chennai - 600 006.
3. The Joint Director of School Education
(Personnel Establishment),
College Road,
Chennai - 600 006.
4. The District Elementary Educational Officer,
Salem.
5. The District Elementary Educational Officer,
Dharmapuri.

... Appellants

Vs

M.Angayee

... Respondent



WEB COPY



W.A No. 2577 of 2025

R.SURESH KUMAR, J.

AND

HEMANT CHANDANGOUDAR, J.

vji

For Appellants : Mr.S.Yashwanth
Additional Government Pleader
For Respondent : Mr.S.N.Ravichandran

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This matter is taken up today under the caption "for being mentioned".

2. By order dated 02.09.2025, in paragraph No.7, instead of mentioning W.P.No.11660 of 2015, it has been wrongly typed as W.P.No.11006 of 2015. This typographical error be corrected and the corrected order be issued to the parties.

[R.S.K., J.] [H.C., J.]
15.09.2025

vji

**W.A.No.2577 of 2025 and
C.M.P.No.20593 of 2025**