



W.P.No. 11441 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 17.03.2025

CORAM:

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.11441 of 2024 and
W.M.P. Nos.12552 & 12553 of 2024

C. Karunanidhi, (M/46)
S/o. K.C. Chinnakannan,
154, Sathya Nagar,
Mottapalli Post, Uthangarai,
Krishnagiri 635 307

....Petitioner

Vs

1. The State of Tamil Nadu
Represented by its
Principal Secretary,
Tourism, Culture, Religions and
Endowment Department
Fort St. George,
Chennai 600 009

2. The Commissioner,
HR & CE Department,
Nungambakkam, Chennai-34

...Respondents



W.P.No. 11441 of 2024

PRAYER:

WEB COPY

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus or any other appropriate writ or Order or Direction in the nature of a Writ, Calling for records relating to the order of the 2nd Respondent made in Se.Mu.Na.Ka.No. 24209/2020/P.1 dated 08.10.2020 and that of the order of the 1st Respondent made in G.O.(P) No. 143 Tourism, Culture, Religious and endowment (A.Ni.2-2) Department dated 26.11.2021, to quash the same and to consequently direct the respondents to promote the petitioner as Joint Commissioner, HR and CE on par with his junior with all service benefits arising thereto.

For Petitioner : Mr. L. Chandrakumar

For Respondents : Mr. S. Ravichandran
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a certiorarified mandamus calling for the records of the second respondent, the Commissioner, HR & CE Department, Nungambakkam, Chennai, dated 08.10.2020 and that of the order of the first respondent in G.O.(P) No.143, Tourism, Culture, Religious and Endowment Department dated 26.11.2021 and to quash both the orders and direct the respondents to promote the petitioner as Joint Commissioner, HR & CE on par with his junior with all service benefits.



W.P.No. 11441 of 2024

2. In the affidavit filed in support of the writ petition, it had been

contended that the petitioner had been directly recruited as Assistant Commissioner in HR & CE Department on 01.10.2012. The next promotion is as Deputy Commissioner and thereafter as Joint Commissioner. It had been stated that the panel is prepared on the 1st October every year and further stated that on 22.06.2020, it was found that the petitioner was absent from duty in his office. He had not informed his higher authorities. In this connection, a charge memo had been issued to the petitioner asking him to give an explanation. He had given an explanation stating that he was not well and therefore, could not inform in advance to his higher authority, but, he had informed the Head Clerk, who was expected to inform to his higher authorities but failed to do so. In fact, he admitted that he was absent on the crucial date. The second charge was dereliction in attending duty. During the course of enquiry, charges had been framed under Rule 17(a) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, 1956, and thereafter his explanation was examined by the second respondent and an order was passed holding that the petitioner was indeed absent on 22.06.2020 and a punishment of cut in increment without cumulative effect for a period of three months was imposed. The petitioner then filed an appeal before the



W.P.No. 11441 of 2024

WEB COPY

first respondent. The first respondent, by an order dated 26.11.2021, had interfered with the punishment alone and had reduced it to one of censure. Challenging those two orders, the present Writ Petition has been filed.

3. A counter affidavit has been filed on behalf of the respondent. It is contended that a show cause notice was issued on 29.06.2020 and the petitioner had given a reply on 17.07.2020 and charges had been framed on 07.09.2020. The second respondent had passed an order on 08.10.2020. It had been stated that the second respondent was not required to examine the date when the increment falls due for the petitioner herein. It had been further stated that, thereafter, the petitioner filed an appeal before the first respondent on 05.12.2020. An order had been passed by the first respondent on 26.11.2021. The petitioner had filed this Writ Petition after nearly two and half years in April 2024. It had also been stated that the petitioner had admitted that he was actually absent and that he had not informed his higher authorities and he had informed only the Head Clerk for which also there was no proof. But, however, it had been contended that the first respondent had reduced the punishment to that of censure. It is, therefore, contended that the



W.P.No. 11441 of 2024

petitioner had been given appropriate punishment for absenting himself on the crucial date on 22.06.2020.

WEB COPY

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. The facts are not disputed. The petitioner, while discharging his duties as Assistant Commissioner, was absent from duty on 22.06.2020. There is no record that he had intimated in advance his higher officials that he would take leave on that particular date. It is the stand of the petitioner that he had informed the Head Clerk to inform his higher authorities. The petitioner could very well have contacted his higher authorities directly and informed them he would be on leave on 22.06.2020. The petitioner claimed that he was having medical issues and therefore he was on leave. The learned counsel for the petitioner pointed out that it was CORONA period and the petitioner was on leave. But it could be understandable that he was on leave, but, what he should have done is to inform his higher authorities that he is going on leave and sought permission, but, he failed to do so. The order of censure is, therefore, only appropriate. The first respondent had taken into



W.P.No. 11441 of 2024

WEB COPY

consideration all the facts while modifying the order of punishment of the second respondent to one of censure. But one fact is that this order of censure will relate back to the order of original authority, namely, the second respondent / the Commissioner of HR & CE Department. That order is dated 08.10.2020. This order of censure should therefore relate back to 08.10.2020 and would be in force for a period of one year, namely, till 08.10.2021. As and when the panel is open subsequently, the petitioner's name should have been considered if he was otherwise eligible. The respondents may, therefore, examine the service records of the petitioner and further examine when the panel was prepared after the period of punishment of censure was over and thereafter, if the petitioner was eligible for promotion, grant necessary relief only with respect to service benefit alone and not with respect to monetary benefits. This exercise by the respondents shall be completed within a period of three months from the date of receipt of a copy of this order.

6. With the above observations, the Writ Petition stands disposed of. No costs. W.M.P. No.12552 of 2024 which was filed to dispense with



W.P.No. 11441 of 2024

the production of the original impugned orders of the respondents, stands
allowed. Consequently, connected miscellaneous petition is closed.

17.03.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

Bga

To

1. The State of Tamil Nadu
Represented by its
Principal Secretary,
Tourism, Culture, Religions and
Endowment Department
Fort St. George,
Chennai 600 009

2. The Commissioner,
HR & CE Department,
Nungambakkam, Chennai-34



WEB COPY



W.P.No. 11441 of 2024

C.V. KARTHIKEYAN, J.

bga

W.P.No.11441 of 2024 and
W.M.P. Nos.12552 & 12553 of 2024

17.03.2025