



W.P.No.18765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.18765 of 2023

and

W.M.P.No.18139 of 2023

R.Thirunavukarasu

... Petitioner

-VS-

1.The Director,
Public Health and Preventive Medicine,
Chennai – 600 006.

2.The Deputy Director,
Health Services,
Attur, Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned letter dated 23.07.2020 in F.No.50/E2/2020 issued by the second Respondent and quash the same as illegal and direct the second Respondent to advance the petitioner by granting him selection Grade-1.

For petitioner : Mr.L.Rajendran

For Respondents : Mr.M.Bindran
Additional Government Pleader



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ORDER

This writ petitioner seeks to quash the impugned letter dated 23.07.2022 issued by the 2nd respondent as illegal and direct the 2nd respondent to advance the petitioner by granting him Selection Grade-1.

2.The brief facts which have given rise to the filing of this petition are briefly set out hereinbelow.

2.1.The petitioner would contend that he had joined the service of the respondents board as Lab Technician, Grade-III, on 19.07.2002 and was promoted to the post of Health Inspector, Grade-I at the office of Government Primary Health Centre, Sendarapatti, Salem District, on 13.01.2009. The petitioner was retired from service as a Multipurpose Health Inspector (Grade-I), Primary Health Centre, Sendarapati, Thammampatti Circle, Salem HUD on 31.01.2019.



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2.2.The petitioner would submit that during his employment,

he was issued with a charge memo dated 18.12.2015, by the Deputy Director of Health Services, Salem, wherein three charges had been framed against him. The petitioner had submitted his defense statement on 22.01.2016 to the said charges and thereafter, an Inquiry Officer was appointed who had conducted an inquiry on 06.07.2017. The said officer had submitted his report dated 06.07.2017 stating that the charges against the petitioner stood proved. The Inquiry report was thereafter, forwarded to the petitioner *vide* letter dated 29.12.2017 and the petitioner had submitted his response *vide* letter dated 22.01.2018 refuting the contents of the report.

2.3.Thereafter, on 31.01.2019, the petitioner was permitted to retire on attaining superannuation, but, by continuing the disciplinary proceedings which has been already initiated. Thereafter, the 1st respondent had examined the files which contains the charge memo, defence statement, Inquiry proceedings, Inquiry



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report and the further representation made by the petitioner and went on to hold that the charges were proved and arrived at a provisional decision to impose a punishment of pension cut of Rs.500/-per month for a period of one year as required under Rule 9 of the Tamil Nadu Pension Rules, 1978.

2.4.The petitioner was served with a show cause notice dated 27.03.2019, from the 1st respondent with a request to submit a reply as to whether he was accepting the quantum of punishment. The petitioner accepted the said quantum of punishment *vide* letter dated 24.04.2019 and the 1st respondent had imposed the punishment under an order dated 10.06.2019 directing a pension cut of Rs.500/- per month for a period of one year.

2.5.The petitioner would submit that he had *vide* letter dated 19.08.2019 requested the 2nd respondent to issue a Selection Grade-I, as he had completed the eligible period of 10 years from 13.01.2009 till 12.01.2019. However, the same was rejected without giving him



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an opportunity of personal hearing *vide* impugned letter dated 23.07.2020 on the ground that the punishment was in currency. The petitioner thereafter, submitted a fresh letter to the respondents requesting them to issue Selection Grade-I, as he had completed 10 years of service by referring to the Government Orders in this regard, wherein, it was stated that the Selection Grade-I could be issued to the Government servants who were imposed with minor punishments, such as penalty, fine, deductions, etc. The petitioner had also in the said letter mentioned the punishment that has been imposed on him. However, there is no response to the same. Therefore, the writ petitioner has filed the above writ petition for the relief claimed *supra*.

3.The respondents had filed a counter affidavit reiterating the case as set out in the writ petition and would contend that the charges under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules were framed against the petitioner prior to the completion of 10 years of service as Multipurpose Health Supervisor



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and before passing of final orders, he was permitted to retire on attaining superannuation on the afternoon of 31.01.2019, however, without prejudice to the disciplinary proceedings initiated against him. Ultimately, he was imposed a punishment of pension cut of Rs.500/- per month for a period of one year. Therefore, the petitioner cannot be construed as exonerated from the charges framed against him. The petitioner was not eligible for movement to Selection Grade. However, in the said counter, the respondents have not addressed the Government orders quoted by the petitioner, wherein, the Government had directed that in case of minor punishment, the Government servants can be considered for movement to Selection Grade-I.

4.Heard the learned counsel on either side and perused the materials available on record.

5.The only issue raised for the consideration before this Court was as to whether the petitioner who admittedly was undergoing



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disciplinary proceedings and who had been imposed punishment is eligible for movement to Selection Grade-I on completion of 10 years of service. The only reason for denying the movement is on account of the currency of punishment.

6.In this regard, the Joint Director to Government had clarified to the Director of Public Health and Preventive Medicine that in case of Government servants who have suffered minor punishments such as censure etc. after a detailed enquiry, the appointing authority has the power to advance them to Selection Grade with effect from the date on which such persons complete 10 years of service. The Personnel and Administrative (Per-S) Department, by its letter in Letter No.118177/Per.S/86-1, dated 05.05.1987, has issued instructions as follows:

“(ii)An employee, whose name has not been included in the panel even after completing 10 years of service because of pendency or charges and subsequently, fully exonerated of all charges can be moved to Selection Grade from the date on which he completes 10 years of service.



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(iii) In the case of Governments Servants who have suffered minor punishments such as censure etc. after detailed examination/enquiry, the appointing authority may have the power of advancing them to Selection Grade with effect from the date on which such persons complete 10 years of service.”

Therefore, in the light of the above instructions of the Government, the impugned order cannot be sustained. Accordingly, this writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition stands closed.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

1.The Director,
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Chennai – 600 006.

2.The Deputy Director,
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Attur, Salem District.



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P.T.ASHA, J.,

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