



W.A.No.1473 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.No.1473 of 2022

and

C.M.P.No.9665 of 2025

1. The Principal Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai-600 009.
 2. The Commissioner,
Civil Supplies Consumer Protection Department,
Chepauk, Chennai-600 005.
 3. The Joint Commissioner,
Civil Supplies Consumer Protection Department,
Chepauk, Chennai-600 005. ... Appellants/Respondents
- VS-
- P.Vasuhi ... Respondent/Petitioner

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, seeking to set aside the order dated 23.12.2021 made in W.P.No.31326 of 2017.

For Appellants : Mr.Neelakandan
Addl. Advocate General
Assisted by Mr.C.Selvaraj
Addl. Govt. Pleader
For Respondent : Mr.R.Syed Mustafa



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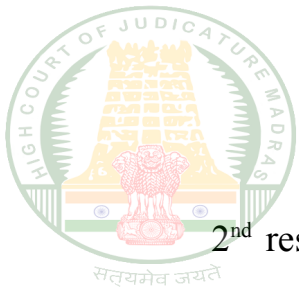
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(By *J.Nisha Banu,J.*)

A challenge in the Writ Appeal is to the order dated 23.12.2021 made in W.P.No.31326 of 2017, by which, the Writ Petition was partially allowed, with a direction to the 3rd respondent therein to grant promotion to the petitioner for the post of Manager, in the promotional panel for the year 2014-2015.

2. It is the case of the Writ Petitioner / Respondent herein that she was appointed as Stenographer through Tamil Nadu Public Service Commission and posted as Personal Clerk to the Assistant Commissioner of Civil Supplies on 06.07.1987. She was issued with a charge memo in the year 2009 under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. After enquiry, she was imposed with stoppage of increment without cumulative effect for a period of 3 months on 13.10.2014. The Writ Petitioner preferred an appeal against the order of the 3rd respondent before the 2nd respondent and the said appeal was dismissed by the 2nd respondent. Thereafter, a Revision Petition was filed against the order passed in the appeal and the same has been rejected by the very same authority, namely,



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2nd respondent. It is further case of the Writ Petitioner/Respondent that in the panel for promotion to the post of Administrative Officer for the year 2014-2015, her name was not included. Similarly, her name has not been included in the subsequent panel for the post of Manager for 2016-2017.

3. According to the Writ petitioner, though the charge memo was issued under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, lesser punishment prescribed under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, alone has been imposed on the petitioner. A Division Bench of this Court in the case of *The Government of Tamil Nadu and another vs. P.Sundar [W.A.(MD) No.1184 of 2015]* decided on 07.08.2018, categorically held that imposition of lesser punishment, falling under Rule 17(a), is not a bar for promotion. For the sake of brevity, the relevant paragraph of the said judgment is extracted hereunder:

“11. Adverting to the facts of the present case we find that none of the charges framed against the respondent would fall within the parameters laid down in the guidelines issued by the Government. This being so we do not think that the appellants were justified in framing charges under Rule 17(b) even for minor delinquencies and thereby denying promotion



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to the respondent. We must point out that even though the Disciplinary Authority has found the respondent guilty of the charges imposed only a minor punishment of stoppage of increment that too without cumulative effect. The said punishment by itself does not operate as a bar for promotion. If so the appellants cannot by framing charges for trivial derelictions under Rule 17(b) deprive promotion to the respondent.”

4. Thus, it was argued on the side of the Writ Petitioner/Respondent that learned Single Judge took into consideration all these factors and rightly directed the respondents therein to grant promotion to the Writ Petitioner for the year 2014-2015. The said order does not require any interference by this Court.

5. Per contra, it is contended by the appellants that when a currency of punishment is in force on the crucial date, there is a bar for inclusion of the name of the respondent herein in the panel for promotion as per Tamil Nadu State and Subordinate Service Rules, Item 1-F in Schedule-VII (now Clause 8 of Part A under Schedule XI of the TNGS (Conditions and Services) Act, 2016, which reads as under:

“Pendency of charges framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules



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against member of a service shall be a bar for inclusion of his name in the approved list.”

6. It is further contended that in terms of Clause 13 of Part-A under Schedule XI of the TNGS (Conditions and Services) Act, 2016, the name of a delinquent can be considered for promotion, only if the punishment for misconduct was imposed five years prior to the crucial date.

The said Clause is reproduced hereunder:

“If a member of service is imposed with punishment for irregularities or delinquencies that were committed five years prior to the crucial date, his name shall be considered for promotion or appointment to a post, if the member of service is not undergoing such punishment on the crucial date or on the date of consideration for actual promotion.”

By relying on the above provisions, it is stated by the appellants that when the check period of five years is a criteria to consider for promotion, the order of the learned Single Judge in directing to consider promotion to the Writ Petitioner for the year 2014-2015 is not sustainable and is liable to be set aside.

7. Heard the learned counsel on either side and perused the material documents available on record.

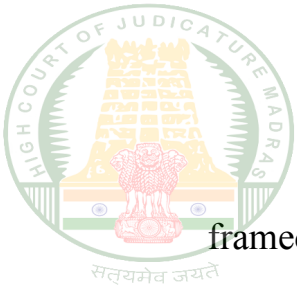


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8. The respondent was selected as Stenographer through Tamil Nadu Public Service Commission and posted as Personal Clerk to Assistant Commissioner of Civil Supplies on 06.07.1987. She was also granted promotions periodically. While so, she was issued with a Charge Memo under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, levelling certain allegations in respect of entries in Family Ration Cards and trespass into the office of the Assistant Commissioner, Mylapore on 09.10.2009 without any permission. After enquiry, the 3rd respondent imposed a punishment of stoppage of increment without cumulative effect for a period of 3 months on 13.10.2014. The Writ Petitioner/respondent herein preferred an appeal and thereafter revision against the said punishment, which were dismissed by the concerned Authorities.

9. In the panel for promotion to the post of Administrative Officer for the year 2014-2015, drawn by the 3rd respondent, the name of the respondent herein was not included, citing the pendency of disciplinary proceedings. According to the respondent herein, though charges were



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framed under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, after enquiry, punishment was imposed for a lesser punishment of stoppage of increment without cumulative effect for a period of 3 months. The said punishment has been specified only under Rule 17(a). The imposition of minor punishment is not a bar for promotion as held by the Division Bench in the case of *The Government of Tamil Nadu and another vs. P.Sundar* (supra).

10. We find much force in the contention raised by the learned counsel for the respondent. The judgment relied upon by the respondent is applicable to the facts of the case. Learned Single Judge observed that under Rule 8, the punishment of “Stoppage of increment for a period of 3 months without cumulative effect” imposed on the respondent herein is deemed to be a minor punishment, which does not stand in the way of the appellants herein to grant promotion to the respondent.

11. A careful scrutiny of the provisions of Clause 8 of Part A (supra), charges framed under Rule 17(b) alone shall be a bar for inclusion



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of an employee's name in the approved list and there is no whisper about

Rule 17(a). In the given case, the respondent suffered only a minor punishment of stoppage of increment for a period of 3 months without cumulative effect specified under Rule 17(a). As such, there is no impediment for the appellants herein in including the respondent's name in the promotional panel for the year 2014-2015. Hence, we are of the view that the order of the learned Single Judge is perfectly valid and there is no infirmity in the order.

12. Hence, finding no merit in the Appeal, *this Writ Appeal is dismissed.*

13. At this juncture, learned Additional Advocate General for the appellants submitted that since the time for passing the order of promotion got expired, he seeks eight weeks' time to implement the order of this Court in letter and spirit. Eight weeks' time from the date of receipt of a copy of this judgment is granted to the 3rd appellant herein to grant promotion to the respondent with retrospective effect. No costs.



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Consequently, connected Miscellaneous Petition is closed.

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(J.N.B.J.,) (M.J.R,J.,)
15.07.2025

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