



WEB COPY

W.P.No.22106 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K. SURENDER**

Writ Petition No. 22106 of 2025
and
W.M.P.Nos.24869 & 24870 of 2025

M.Sangeetha

.. Petitioner

Vs.

1.The Registrar General,
Madras High Court,
Chennai – 600 104.

2.The Principal District Sessions Judge,
Sivagangai District.

3.P.Chandra

4.S.Suresh Kumar

5.P.Sugirtharajan

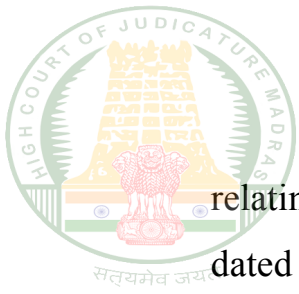
6.M.Karpagam

7.M.Usharani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for, to issue a Writ of Certiorarified Mandamus, calling for the files

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relating to the impugned order in A.No.72/2025/Shr(Estt.) D.No.3205/2025 dated 30.04.2025 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to prepare a fresh promotion list and to promote the petitioner to the post of Shresitadar with effect from 30.04.2025 and to pay the salary and all other monetary benefits with effect from 30.04.2025 to the petitioner.

For Petitioner : Mr.P.V.Balasubramaniam,
Senior Counsel

For Mr.G.Mutharasu

For Respondents : Ms.Poongkuzali for R1 & R2

ORDER

*(Order of the Court was delivered by **R.SUBRAMANIAN, J.**)*

Challenge is to the order of the learned Principal District Judge, Sivagangai, in and by which, the claim for promotion of the petitioner was rejected on the ground that a punishment was imposed on her on 07.02.2022 and in terms of Clause 11 of Schedule XI of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 her name could not be considered for a period of 5 years from the date of imposition of punishment. No doubt, a plain reading of Clause 11 justifies the conclusion of the learned Principal District Judge.



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2. Mr.P.V.Balasubramanian, learned Senior Counsel appearing for the petitioner would submit that the learned District Judge has evidently overlooked Clause (13) of Schedule XI which reads as follows:-

(13) 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.

3. Clause (11) of Schedule XI reads as follows:-

(11) Any punishment (other than 'Censure') imposed on a member of service within a period of five years prior to the crucial date and a punishment of 'Censure' imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment, including 'Censure' imposed on a member of service after the crucial date, but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment.

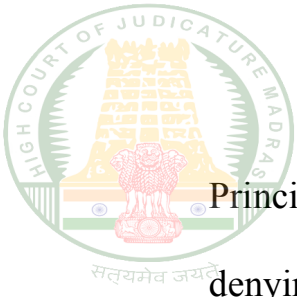


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4. Clause 13 extracted *supra* is in the form of a proviso/ explanation to Clause 11. While Clause 11 defers promotion for a period of 5 years in case a punishment had been imposed on the employee, Clause (13) indicates as to how the period of 5 years should be reckoned. It provides that if the delinquency has been committed 5 years prior to the crucial date, then the punishment should not be held against the employee.

5. In the case on hand, the delinquency is related to the period 2018-2019. If Clause (13) is applied, then the ban will be in force only for 5 years that is till 2023-2024. Therefore, there was no prohibition for consideration of the petitioner for promotion during the year 2025.

6. No doubt, Ms.Poonguzhali, learned counsel appearing for the respondents would submit that the promotion Committee has taken into account the relative merits and ability of the candidates and had recommended promotion for five candidates while denying promotion to the petitioner and another candidate. The reasons assigned for non-consideration of the petitioner is Clause 11. The order of the learned



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Principal District Judge dated 30.04.2025 promoting five candidates and denying promotion to the petitioner cannot be upheld, since it has not taken into account the effect of Clause (13) of Schedule XI.

7. Hence, the Writ Petition will stand **allowed**. The impugned order dated 30.04.2025 will stand set aside and the learned Principal District Judge will re-consider the entire issue and consider the name of the petitioner along with others for promotion. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (K. SURENDER, J.)
03.07.2025

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order



To

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