



WEB COPY

W.A.No. 147 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

**W.A.No. 147 of 2024**  
**and**  
**C.M.P.No. 830 of 2024**

1.The State of Tamilnadu,  
Rep. by its Principal cum Chief  
Secretary to Government,  
Public (Special A) Department,  
Secretariat, Chennai - 9.

2.The Secretary to Government,  
Revenue Department,  
Secretariat, Chennai - 9.

3.The Commissioner of  
Revenue Administration,  
Chepauk, Chennai - 5.

... Appellants

Vs.

1.G.Prakasam

2.The Managing Director,  
Tamil Nadu Civil Supply Corporation,  
Kilpauk, Chennai - 10.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 01.02.2022 made in W.P.No.7553 of 2015.



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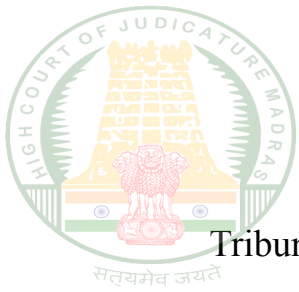
For Appellants : Mr.T.Chandrasekaran  
Special Government Pleader  
For Respondents : Mr.R.Subramanian  
for Mr.V.Sukumar for R1  
Mr.C.Selvaraj, Panel Advocate for R2

### **J U D G M E N T**

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge in this appeal is to the order of the writ Court dated 01.02.2022 made in W.P.No.7553 of 2015.

2. The respondent was aggrieved by his non-inclusion in the panel for promotion to the post of District Revenue Officers for the year 2000. While he was serving as a Deputy Collector, certain charges were framed against him on 16.02.1999 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Since the charges were pending, his name was not included in the panel for promotion as District Revenue Officers in the year 2000. A punishment of stoppage of increment without cumulative effect for a period of six months was imposed on him on 31.12.2002.



3. This was challenged by him before the Tamil Nadu Administrative Tribunal and the Tribunal passed an order on 25.06.2003. This order of the Tribunal was put in issue in W.P.No.3558 of 2004. A Division Bench of this Court by its order dated 05.06.2006 concluded that the nature of the charges would only attract Rule 17(a) and not 17(b). While confirming the punishment, the charges were altered from 17(b) to 17(a) thereby, the disqualification incurred by the respondent for being included in the panel for promotion as District Revenue Officer in the year 2000 stood removed.

4. The Division Bench also directed the respondents to consider the claim of the petitioner for promotion to the post of District Revenue Officer. When the petitioner sought for implementation of this decision, the same was rejected by the Department on 25.10.2023 on the ground that for another set of charges framed in the year 2004, a punishment has been imposed on the respondent and therefore, he was included in the panel only from the year 2006. This proceeding was subject matter of challenge before the writ Court. The writ Court took note of the order of the Division Bench and rightly concluded that once the charges framed in 1999 were converted as 17(a) charges, the respondent was entitled to have been considered for promotion in the year 2000 itself. Any subsequent charges will not disentitle



him for being included in the panel for promotion for the year 2000. It is this order that is subject matter of challenge in this appeal.

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5. This issue is no longer *res-integra*. The issue is actually covered by the judgment of the Hon'ble Supreme Court in *Union of India and Others Vs. Doly Loyi* reported in *AIR 2024 SC 4834*. A Division Bench of this Court has also in W.A.No.846 of 2019 held the same view. Another Division Bench of this Court in W.A.(MD).No.2158 of 2024, to which, one of us was a party (Hon'ble Mr.Justice R.Subramanian) dated 24.10.2024 had also taken the same view. Hence, we find no reason to interfere with the order of the writ Court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)  
07.04.2025

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Index: Yes/No  
Speaking order/Non-speaking order  
Neutral Citation : Yes/No

To:-

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