



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 24072 of 2025

S.Balakrishnan

Petitioner(s)

Vs

The Tamil Nadu State Legislative
Assembly
Secretariat, Represented by its Principal
Secretary, Secretariat, Fort St.George,
Chennai-600 009.

Respondent(s)

PRAYER

to call for the records of the impugned order in S.O.(Ms)No.66 dated 11.04.2025 on the file of the respondent and to quash the same as wholly illegal and consequently direct the respondent to issue a fresh promotion panel for the year 2025-2026 for promotion to the cadre of Joint Secretary by including the petitioner's name.

For Petitioner(s): Mr.T.M.Mano

For Respondent(s): Mr.R.U.Dinesh Raj Kumar
A.G.P.,

**ORDER**

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The instant writ petition has been filed challenging the impugned order in S.O.(Ms).No.66, Legislative Assembly Secretariat dated 11.04.2025 issued by the Principal Secretary and seeking for a consequential direction to issue a fresh promotion panel for the year 2025-2026 for promotion to the cadre of Joint Secretary, including the name of the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner is a prospective candidate for the post of Joint Secretary in the Legislative Assembly Secretariat. When the panel was prepared on 14.03.2025 under S.O.(Ms)No.37, the petitioner's name was ranked at Serial No.4. However, in the regular panel for promotion to the post of Joint Secretary for the year 2025-2026, the petitioner's name was deleted, and their junior, Ms.S.Usha, was included instead. Therefore, the same contravenes the guidelines for preparing panels for appointment by promotion, as per Letter No.18824/S/2005-2, dated 07.10.2005. Hence, prayed to interfere with the same.



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3. The learned counsel for the petitioner would fairly admit that a criminal case is pending against the petitioner in C.C.No.10 of 2017 on the file of Special Court of Prevention of Corruption Act, Chennai. However, the petitioner's contention is that no charges have been framed by the concerned Court in this case.

4. Per contra, the learned Additional Government Pleader appearing on behalf of the respondent would strongly object the contentions of the petitioner and submitted that the case which is pending before the Criminal Court was original filed before the Vigilance and Anti-Corruption Department in Crime No.2 of 2012 and on filing of the charge sheet by the Police, the case was taken on file and numbered as C.C.No.10 of 2017. Therefore, the contention of the petitioner that no charge was framed is contrary to the factual position.

5. The learned Standing Counsel further relied upon Section 7 read with Schedule XI, Part-A, Paragraph II (1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, wherein it is categorically stipulated



whenever a charge sheet is issued against the person they are not entitled to be considered for a promotion.

6. I have given my anxious consideration to the submissions made by both sides.

6. Admittedly, as rightly contended by the learned counsel for the petitioner, while preparing the panel for the post of Joint Secretary in Class 1 in the Tamil Nadu Legislative Assembly Service for the year 2025-2026, in the seniority list dated 14.10.2025, the petitioner was ranked at S.No.4. However, in the impugned regular panel for the post of Joint Secretary for the year 2025-2026 issued in S.O.Ms.No.66 dated 11.04.2025, though four names were mentioned, the petitioner's name does not find a place. Instead, a junior candidate, Ms.S.Usha, Deputy Secretary, was included.

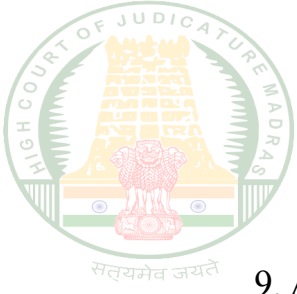
7. The ground urged by the learned counsel for the petitioner is that no charge was framed by the Court in C.C. No. 10 of 2017. However, the learned



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Special Government Pleader rightly contends that a criminal case was registered before the Vigilance and Anti-Corruption Department in Crime No.2 of 2012, and only upon filing of a charge sheet, the Criminal Court took the case on file as C.C. No. 10 of 2017.

8. It is well settled principle of law that framing of charge by the Court is not material, but the issuance of charge sheet by the Police is sufficient to exclude a person from the further consideration for promotion. In the case in hand, a charge sheet was issued against the petitioner in Crime No.2 of 2012. Hence the grievances of the petitioner that his non-consideration is contrary to law is again obfuscated and Section 7 read with Schedule XI, Part-A, Paragraph II (1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 would explicitly mandate whenever a charge is issued, the person must be excluded from consideration for promotion. In such view of the matter, this Court does not find any infirmity in the panel dated 11.04.2025.



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9. Accordingly, this Writ Petition stands dismissed. No costs.

03-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

The Tamil Nadu State Legislative
Assembly
Secretariat, Rep By Its Principal
Secretary, Secretariat, Fort St. George,
Chennai-600 009



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C.KUMARAPPAN J.

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