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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.09.2025

PRONOUNCED ON : 22.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.Nos.24365, 24367 and 24373 of 2019

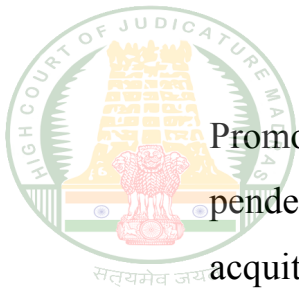
V.R.Veeraraghavan	.. petitioner in WP.No.24365 of 2019
M.Shanmugam	.. petitioner in WP.No.24367 of 2019
D.Audikesavan	.. petitioner in WP.No.24373 of 2019

vs

The Managing Director
State Express Transport Corporation Limited
Pallavan Salai, Chennai – 600 002.

... Respondent in all the cases

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus to call for the records relating to the respondent's order made in Lr.No.042125-A/HR1/SETCTN/2019 dated 01.03.2019; Lr.No.042125-C/HR1/SETCTN/2019 dated 11.03.2019 and Lr.No.002990/HR5/SETCTN/2019 dated 13.03.2019 respectively to quash the same and consequently direct the respondent to revise and refix the pension and other pensionary benefits by according promotion/Time Bound



Promotion on par with his junior which was omitted to be granted citing pendency of the criminal charge and departmental action which stood acquitted and dropped respectively, thereby entailing all consequential retrospective benefits forthwith.

For Petitioners : Mr.L.Chandrakumar

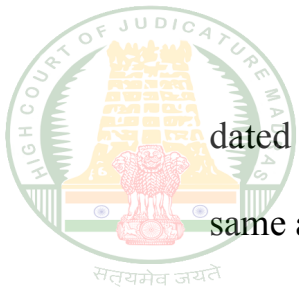
For Respondent : Mr.S.Ilamvaludhi
for S.Sivasubramaniam

COMMON ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the record.

2. Since, the challenge in all the three writ petitions is on common ground, all the three writ petitions are heard together and are being disposed of by this Common Order.

3. WP.No.24365 of 2019 – the petitioner has assailed the action of the respondent in issuing the proceedings Lr.No.042125-A/HR1/SETCTN/2019 whereby his request for granting promotional benefits with consequential revision and refixation and pensionary benefits has been rejected vide order



dated 01.03.2019 as being illegal with a consequential direction to quash the same and grant all benefits due to him.

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4. WP.No.24367 of 2019 - the petitioner has assailed the action of the respondent in issuing the proceedings Lr.No.042125-C/HR1/SETCTN/2019 whereby his request for granting promotional benefits with consequential revision and refixation and pensionary benefits has been rejected vide order dated 11.03.2019 as being illegal with a consequential direction to quash the same and grant all benefit due to him.

5. WP.No.24373 of 2019 -the petitioner has assailed the action of the respondent in issuing the proceedings Lr.No.002990/HR5/SETCTN/2019 whereby his request for granting promotional benefits with consequential revision and refixation and pensionary benefits has been rejected vide order dated 13.03.2019 as being illegal with a consequential direction to quash the same and grant all benefit due to him.

6. It is the common case of the petitioners that they were issued with charge memo pursuant to departmental action initiated against them; that pending departmental proceedings, criminal action was initiated; that on



account of criminal proceedings initiated, petitioners service were terminated; that the order of termination of their service was challenged before this Court; that this Court had quashed the said notice of termination; that the criminal proceedings initiated against the petitioners resulted in acquittal; and that consequent upon the criminal proceedings resulting in acquittal, the departmental proceedings initiated against the petitioner were also dropped on 23.03.2015.

7. It is the further case of the petitioner that on account of criminal proceedings resulting in acquittal as well as dropping of departmental proceedings by the respondent authority, the petitioners are entitled to all the benefits due to them while in service including promotion which were withheld citing pendency of departmental action.

8. The petitioners further contended that on the departmental proceedings getting dropped, the respondent authority ought to have granted the benefits due to them on their own and as the respondent failed to grant such benefits, the petitioners have approached the respondents authority and submitted representation dated 15.11.2014. As the said representation submitted was not considered, the petitioners approached this Court by



filing writ petition in WP.Nos.20405, 20408 and 20407 of 2016 respectively; and that this Court by an order dated 08.10.2018 while holding that if a employee is exonerated from the allegations, then he is entitled to get all the promotions and monetary benefits on par with his juniors who were promoted. Thus, the Court accordingly directed the respondents to consider the representation of the petitioners dated 01.07.2015, 10.07.2015 and 15.11.2015 respectively, and pass orders within a period of twelve weeks from the date of receipt of the copy of this order.

9. Petitioners contended that despite this Court holding that if an employee is exonerated from the allegations would be entitled to get all the promotions and monetary benefits on par with the junior who were promoted during the period when they were denied promotion, the respondent by the impugned orders had rejected the representations submitted by the petitioners for promotion as well as monetary benefit claiming that their request cannot be considered, as criminal charges were dropped on 23.09.2014 and departmental action closed on 27.08.2015 and both the said action being after retirement of the petitioners. Assailing the said orders the present writ petitions are filed.



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10. The petitioner contended that notwithstanding the fact that the petitioners have retired from service before the criminal charges were dropped on 23.09.2014 and departmental action being closed on 27.08.2015, they would be entitled for notional promotion with monetary benefits on the day when their immediate juniors were promoted and since, the said promotion had been withheld by the respondent at the relevant point of time only on account of pending departmental proceedings, on dropping of the aforesaid charges, the respondent ought to have considered the petitioners as having been promoted on the day when their juniors were promoted to the next level, with consequential monetary benefits being paid to them.

11. It is further case of the petitioner that even though they retired during the pendency of the criminal proceedings as well as departmental proceedings. Since, the said proceedings ended in acquittal and dropping of departmental action, they are entitled for being granted notional promotion, when it is due as the same would result in enhancement of pensionary benefits.



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12. On behalf of the petitioner in WP.No.24365 of 2019, it is contended that though the respondent by the impugned proceedings had stated that promotion from Superintendent to Senior Superintendent was not considered during the year 2006-2012; that the petitioner had attained the age of superannuation on 30.06.2010; and that the vacancy had arisen only in the month and year of May 2012 (i.e.) after the petitioner attaining the age of superannuation and retiring from service, thus their request cannot be considered without any basis, and also without providing the details as to when his immediate junior was promoted to the post of Senior Superintendent.

13. On behalf of the petitioner, it is also contended that the claim of the respondent that no vacancy had arisen during year 2006-2012 is contrary to GO.Ms.No.246 dated 27.12.2004, whereby, it has been stated that the promotion is not on arising of vacancy, but it is time bound promotion and thus, the claim of the respondent in the impugned proceedings is without any basis and also contrary to the aforesaid Government Order.



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14. It is further contended that though the respondent had stated that no person was promoted during the year 2006-2012, by the counter affidavit filed, the details as to when the immediate juniors to petitioner was promoted have been mentioned.

15. Insofar as the petitioner in WP.No.24367 of 2019 and WP.No.24373 of 2019 are concerned, additionally it is contended that the respondent by the impugned proceeding issued to them having admitted to the fact that the panel for selection grade Senior Assistant and Foreman having been published in March 2008 and October 2007 respectively, however rejected the claim of the petitioners on the ground that he having retired from service on 31.12.2011 and only after his retirement, the criminal charges is dropped and the departmental action is closed, and as such the claim of the petitioner cannot be considered, is contrary to the directions of this Court in WP.Nos.20408 and 20407 of 2016, since, the petitioners would be entitled for notional promotion on the date when his immediate junior was promoted with consequential monetary benefits and thus, the impugned orders are unsustainable.

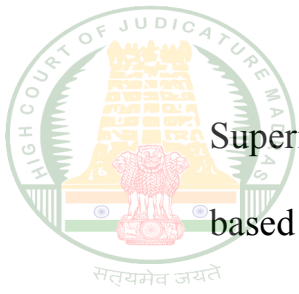


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16. *Per contra*, the learned counsel appearing on behalf of the respondent would contend that the departmental action as against the petitioner was initiated during the year 2001-2002 and criminal proceedings were initiated in respect of certain criminal action relating to the year 1998-1999 Vide Cr.No.3 of 2003 based on which the respondent authorities have initiated departmental action and issued charge memo dated 15.05.2004 .

17. On behalf of the respondents it is further contended that while the criminal charges against the petitioners were dropped on 23.09.2014 and the departmental action was closed on 27.08.2015, the respondent in the meantime had terminated the service of the petitioner, but reinstated pursuant to the order of this Court; and on being reinstated into service attained the age of superannuation and retired from service and as such would not be entitled to either for promotion or for any monetary benefits.

18. On behalf of the respondent it is further contended that insofar as the petitioner in WP.No.24365 of 2019 is concerned at the time when the departmental action was initiated against him was working as Superintendent and his promotion from Superintendent to Selection Grade



Superintendent is not a time bound promotion, but selection by committee based on merit and seniority being equal; that during the year 2006-2012 as no vacancy had arisen in the aforesaid post nobody was promoted, as such, the petitioner in the said writ petition is not entitled for being granted with any relief either for promotion, notional or otherwise including with consequential monetary benefits.

19. Insofar as the petitioners in WP.Nos.24367 and 24373 of 2019 are concerned, it is contended by the respondent when the respondent prepared panel during March 2008 and October 2007 respectively, since, criminal proceedings were pending and also the departmental action was initiated they were not considered and the petitioners having been retired from service before the criminal charges are dropped and the departmental action was closed, are not entitled for any time bound promotion or consequential monetary benefits.

20. I have taken note of the respective contentions urged.

21. At the outset, it is to be noted that the stand taken by the respondent by their counter affidavit in WP.No.24365 of 2019 is that the



respondent did not affect any promotion from Superintendent to Selection Grade Superintendent during 2006-2012 as no vacancy had arisen and the petitioner having retired on 30.06.2010, is not entitled for being considered for promotion much less on the date when his junior was promoted for him to claim notional promotion with monetary benefit. Since, the respondent by counter affidavit had categorically averred that no other person junior to the petitioner was promoted, this Court directed the respondent to place on record the relevant information, as to who is the immediate junior to the petitioner and also as to when promotion has been granted to the persons who are junior to the petitioner.

22. Despite this Court granting sufficient time to the respondent to place the aforesaid information before this Court and also having regard to the relief sought for in the writ petition being certiorarified mandamus requiring the respondents to produce the records, the non production/failure on part of the respondent to produce the records or place any materials to substantiate the stand taken in the counter affidavit, has compelled this Court to draw adverse inference against the respondent, that it is trying to hide the information from the Court and that the statements made by them in the counter affidavit is not corroborated by any evidence and the said



statement is not true and correct version of the events that had taken place.

Accordingly, the counter affidavit as filed by the respondent in WP.No.24367 of 2019 is rejected as not depicting correct record of events.

23. Further, it is not shown to this Court that the GO.Ms.No.246 dated 27.12.2004 is not applicable to the respondent/Corporation. If the aforesaid GO is applicable to the respondent, the petitioner would be entitled for a time bound promotion from Superintendent to Senior Superintendent on completion of six years on issuance of the aforesaid Government Order (i.e,) on or after 27.12.2004.

24. Though, the petitioner in WP.No.24365 of 2019 had claimed that he would be entitled to two time bound promotions, since GO.Ms.No.246 was issued only on 27.12.2004, the petitioner cannot claim the benefit of the said G.O. retrospectively. Thus, this Court is of the view that the petitioner in WP.No.24365 of 2019 would be entitled for time bound promotion only w.e.f. the issuance of the aforesaid G.O. (i.e.,) from 27.12.2004, till he attained the age of superannuation.



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25. Further, this Court in WP.Nos.20405, 20408 & 20407 of 2016 having categorically held that if an employee on being exonerated from allegations would be entitled to get all the promotion and other monetary benefits on par with his juniors, the fact of petitioners retiring in the interregnum cannot deprive them from claiming the promotions when due to them and other monetary benefits on par with their juniors, during the period of service with the respondent.

26. The mere fact of the petitioners having retired from service cannot result in, they being deprived either the promotion be it a paper promotion / notional or monetary benefits when due to them.

27. Since, the respondents by impugned proceedings addressed to the petitioners in WP.Nos.24367 and 24373 of 2019 having categorically stated that the respondents having prepared panel for promotion in their respective cadre in the months of March 2008 & October 2007 respectively, and the petitioners being excluded from zone of consideration only on account of pendency of the criminal charges against them and the departmental action, since both the said proceedings having ended in favour of the petitioners,



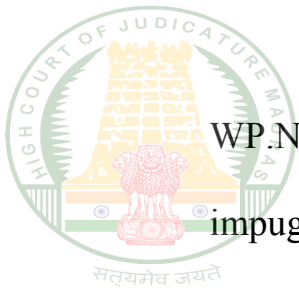
this Court is of the view that the petitioners are entitled to reap the benefit of such result.

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28. Dropping of the criminal proceedings and the departmental action being closed would result in petitioners being put back in the same position, as they were before initiation of such proceedings.

29. Further merely because of the petitioners have attained the age of superannuation and retired from service also cannot deprive them of the promotion (being notional promotion) and monetary benefits which the petitioners would have been entitled to otherwise but for the departmental action, which was closed by the respondent.

30. Thus, this Court has no hesitation to hold that the action of the respondent in issuing the impugned proceedings rejecting the claim made by the petitioners for grant of promotion and monetary benefit vide representations dated 01.07.2015, 10.07.2015 and 15.11.2015 respectively, which were directed to be considered by this Court by passing a speaking order, is not in accordance with the directions issued by this Court in



WP.Nos.20405, 20407 and 20408 of 2016, for this Court to sustain the impugned orders.

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31. Accordingly, all the writ petitions are allowed and the impugned orders are set aside. The respondent is directed to grant notional promotion to the petitioners on that day when due to them with all consequential monetary benefits being granted to them. The respondent is directed to undertake the aforesaid exercise and grant necessary monetary benefit to the petitioners within a period of 12 weeks from the date of receipt of a copy of this order. No order as to costs.

.09.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Managing Director
State Express Transport Corporation Limited
Pallavan Salai, Chennai – 600 002.



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W.P.Nos.24365, 24367 and 24373 of 2019



T. VINOD KUMAR, J.

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Pre-Delivery Orders in

W.P.Nos.24365, 24367 and 24373 of 2019

.09.2025.