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W.P No.25780 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.25780 of 2025

N.Annadurai

... Petitioner

..Vs..

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Namakkal Kaviner maligai,
Chennai – 600 009.

2.The Director of Municipal Administration,
75, Santhome High way, MRC Nagar,
Raja Annamalai Nagar,
Chennai – 600 028.

3.The Commissioner,
Erode City Municipal Corporation,
Erode.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondents herein to promote the petitioner to the post of Assistant Commissioner, Grade I (Zone) (Pay Level – 25) under Tamil Nadu Urban Local Bodies Rule 2023 in accordance with the inclusion of the name of the petitioner in the panel for the the year 2024-2025 vide G.O.Ms.No.232, Municipal Administration and Water Supply Department, dated 25.04.2025 without reference to the charge memo issued to the petitioner vide proceedings dated 07.03.2025 issued by the 2nd respondent.

For Petitioner : Ms.Dakshayani Reddy, Senior Counsel



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For Mr.P.Rajavel

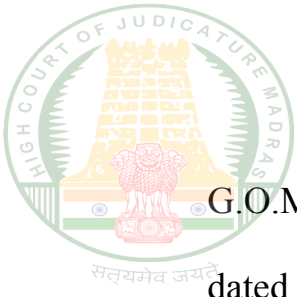
For Respondent : Mr.C.Selvaraj,
Additional Government Pleader - for RR1 & 2

Mr.R.Raja Mathivanan,
Standing Counsel - for R3

ORDER

The instant writ petition has been filed for the prayer directing the respondents herein to promote the petitioner to the post of Assistant Commissioner Grade – I (Zone) (Pay Level 2025) vide G.O.Ms.No.232, Municipal Administration and Water Supply Department, dated 25.04.2025 without reference to the charge memo issued to the petitioner vide proceedings dated 07.03.2025.

2. The learned senior counsel appearing for the petitioner submits that the petitioner is currently serving as Assistant Commissioner (Revenue/Personnel) in the Erode City Municipal Corporation and his next Avenue for promotion is Assistant Commissioner, Grade-I (Zone) (Pay Level – 25). It is submitted that as of the crucial date on 15.03.2024, no charge memorandum was pending against the petitioner. Accordingly, his name was included in the promotion panel prepared by the respondent, as reflected in



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G.O.Ms.No.232, Municipal Administration and Water Supply Department,

dated 25.04.2025, where his name appears at Serial No.5. The learned senior counsel contends that, when no charges are pending on the crucial date, any subsequent charges cannot be relied upon to deny the employee consideration for promotion to the next level. According to the learned senior counsel, by letter dated 26.04.2025, the 2nd respondent sought clarification from the 3rd respondent as to whether any charges were pending against the petitioner. Based upon such communication, the petitioner apprehends that, in view of the subsequent charge memorandum issued on 07.03.2025, he may be excluded from consideration for promotion.

3. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 submits that the communication dated 26.04.2025 is only usual communication and that the petitioner's case for promotion will be considered strictly in accordance with the applicable rules. Hence, it is contended that the present writ petition lacks merit.

4. I have given my anxious consideration to either side submissions and also perused the materials available on record.



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5. Admittedly, as on the crucial date, 15.03.2024, there was no charge memorandum pending against the petitioner and accordingly, the petitioner was rightfully included in the promotion panel prepared under G.O.Ms.No.232 dated 25.04.2025. As rightly contended by the learned senior counsel, any charge issued after the crucial date cannot be held against the petitioner for the purpose of denying promotion. Therefore, though the letter dated 26.04.2025 does not specifically refer to any adverse action against the petitioner, this Court emphasizes that any subsequent charge memorandum issued after the crucial date cannot prejudice the petitioner's promotion prospects. This legal position has also been reiterated by a recent Division Bench judgment of this Court in ***W.A.(MD).No.527 of 2025 dated 11.03.2025 (The Transport Commissioner, Chepauk, Chennai and another vs R.Ravichandran)***.

6. Accordingly, this Court deems it appropriate to allow the writ petition and directs the respondents to consider the petitioner's promotion according to its own merits and in accordance with law without reference to the charge memorandum dated 07.03.2025.



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7. In the result, the writ petition is allowed as indicated above. No costs.

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

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C. KUMARAPPAN, J.

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