



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No. 27057 of 2019

P. Mariyappan,
M/ 39 years,
S/o. S. Pandaram,
6C/41, Indira Nagar New Colony,
Behind E.B. Office,
Melakadayanallur,
Kadayanallur (TK),
Tirunelveli Dt.

Presently residing at No. 213,
Mohan Mansion, Bells Road,
Triplicane,
Chennai 600 005.

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Petitioner

Vs.

1. The Managing Director,
T.N.C.S. Corporation,
No. 12, ThambusamySalai,
Kilpauk, Chennai-600 010.

2. The Zonal Manager,
T.N.C.S. Corporation,
Zonal Office. Tirunelveli.

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Respondents

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



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pertaining to the Orders passed by the 2nd Respondent in Na.Ka. No.E4/4830/16 dated 16.03.2017 and the 1st Respondent in Se Mu. Aa.No. AD2/14474/2014 dated 14.09.2017, quash the same and patihar consequently direct the 1st Respondent to promote me as Superintendent, his with effect from the date of promotion of of my my juniors, juniors, i.e. 28.02.2018.

For Petitioner : Ms.D.Geetha

For Respondents : Mr.C.Selvaraj, SC for TNCSC

ORDER

This writ petition has been filed to call for the records pertaining to the orders passed by the 2nd respondent dated 16.03.2017 in Na.Ka. No.E4/4830/16 and the 1st respondent order dated 14.09.2017 in Se Mu. [Aa.No.](#) AD2/14474/2014, quash the same and direct the 1st respondent to promote the petitioner as superintendent, with effect from the date of promotion of his juniors, i.e., 28.02.2018, and pass further orders.

2.Heard Ms.D.Geetha, learned counsel for the petitioner and Mr.C.Selvaraj, learned standing counsel for respondents and perused the



materials available on record.

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3. The petitioner, who has joined as a bill clerk in the respondent corporation and has been promoted to the post of assistant in the year 2014. In view of some lapses alleged against the petitioner, the petitioner was given with a charge sheet on 02.08.2016 and thereafter an enquiry was conducted; the petitioner was found guilty. The disciplinary action has culminated into awarding a punishment of a stoppage of two increments with cumulative effect. But on the appeal preferred by the petitioner, the said punishment was modified to the stoppage of one increment without cumulative effect through the order of the appellate authority dated 14.09.2017.

4. The learned counsel for the petitioner submitted that the implementation of the punishment order, as modified by the appellate authority in its order dated 14.09.2017, would take effect from the original date of the punishment i.e., 16.03.2017, and it will end in the year 2018. The grievance of the petitioner is that he was not included in the panel for promotion to the post of superintendent for the promotion year 2018-2019.



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So it is claimed by the petitioner that the crucial date for each year promotion panel is June of every year. Hence, it is claimed that there was no currency of punishment during the month of June 2018, and hence the petitioner ought to be included in the panel for promotion for the year 2018-2019.

5. Even though the petitioner has filed this writ petition to challenge the orders of the punishment, when the matter is taken up today, it is submitted that the petitioner is concerned with regard to the portion of relief sought by him with regard to the denial of promotion.

6. It is learnt from the submission made by the learned standing counsel for the respondent that the petitioner has been promoted to the post of superintendent and now he is working in the said post. However, the learned standing counsel for the respondent is insisted to render a finding with regard to challenge made to the order of punishment as well.

7. The petitioner has been given with the charges that he had trespassed into the account division and taken away the vouchers and



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destructured some important records. However on enquiry all the 5 charges have been proved and the disciplinary authority has imposed the punishment of two years stoppage of increment with cumulative effect. From the order of punishment passed by the disciplinary authority, it is seen that the disciplinary authority has applied his mind and imposed the punishment by considering the gravity of charges. However, the appellate authority had partly allowed the petitioners' appeal and modified the punishment by reducing the two years stoppage of increment to one year stoppage of increment without cumulative effect. The petitioner has been given with sufficient opportunity to participate in the enquiry and there is no violation of principle of natural justice.

8. The learned counsel for the respondent submitted that the petitioner was given with an opportunity to cross-examine the witnesses, but he did not cross-examine the witnesses.

9. The petitioner failed to cross-examine the witnesses despite he was given with the opportunity to cross-examine. Hence he cannot come later and state that he was not given with any opportunity. Despite the opportunity was given, the petitioner did not utilise the same. The charges



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against the petitioner have been proved through the oral and documentary evidence which is relied by the department and produced before the enquiry officer. The appellate authority himself has considered the gravity of the punishment and reduced it to stoppage of one year increment with cumulative effect, which in my view is fair and proper. The petitioner failed to make out any ground to set aside the impugned orders and preferred not to interfere with the order of the appellate authority.

10. So far as the relief of promotion is concerned, it is needless to state that the petitioner is entitled to consider for promotion once the currency of punishment is over. Though the petitioner was promoted to the post of superintendent, he claims that he has got the retrospective effect of his promotion from the year 2018. The petitioner has been promoted only in the year 2023. As the punishment would have expired in the year 2018 itself, it would have been appropriate if the respondents had considered the petitioners' promotion in the year 2018 itself.

11. In view of the same, the writ petition is **disposed** by confirming



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the order of punishment imposed against the petitioner and by directing the respondents to consider the claim of the petitioner and recheck whether the promotion has been given to the petitioner at the right time or whether it has been delayed even after the currency of punishment is over and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition, if any, is also closed.

17.04.2025

Index: Yes/No
Internet: Yes/No
Speaking /Non-speaking order
jrs

To

1. The Managing Director,
T.N.C.S. Corporation,
No. 12, ThambusamySalai,
Kilpauk, Chennai-600 010.
2. The Zonal Manager,
T.N.C.S. Corporation,
Zonal Office. Tirunelveli.



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R.N.MANJULA, J.

jrs

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