



W.P.No.32374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.32374 of 2024

and

W.M.P.Nos.35154 and 35158 of 2024

M.Ravichandran

... Petitioner

Vs.

- 1.The Additional Chief Secretary
Labour Welfare and Skill
Development (P1) Department,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Department of Employment and Training,
Industrial Estate, Alandur Road,
Guindy, Chennai – 600 032.
- 3.The Additional Director, (Craftsman Training),
Department of Employment and Training,
Industrial Estate, Alandur Road,
Guindy, Chennai – 600 032.
- 4.A.V.Jaganathan,
Deputy Director / Principal,
Government Industrial Training Institute,
Hosur, Krishnagiri District.



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5.R.Paramasivam,
Deputy Director / Principal,
Government Industrial Training Institute,
Cuddalore, Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned G.O. Issued by the 1st respondent in G.O.(D)No.262, Labour Welfare and Skill Development (P1) Department, dated 28.05.2024 and quash the same and consequently, directing the 1st respondent to promote the petitioner to the post of Deputy Director by giving retrospective effect from the year 2019-2020 panel by calculating the revision of pay scale for the post of Deputy Director.

For Petitioner : Mr.C.Prakasam

For R1 to R3 : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed with a prayer for issuing a Certiorarified Mandamus, calling for the entire records relating to the impugned G.O. issued by the 1st respondent in G.O.(D)No.262, Labour Welfare and Skill Development (P1) Department, dated 28.05.2024 and quash the same and consequently, directing the 1st respondent to promote the



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petitioner to the post of Deputy Director by giving retrospective effect from the year 2019-2020 panel by calculating the revision of pay scale for the post of Deputy Director.

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Junior Training Officer in the Respondents-Department in the year 1985 and subsequently, he was promoted as Assistant Training Officer in the year 1994. After various promotions, when the petitioner served as the Principal at Mettur Dam Government ITI, he was issued with Charge Memorandum and vide G.O.(2D).No.81, Labour and Skill Development (PP1) Department, dated 10.10.2022, and was imposed with the punishment for withholding of increment for six months with cumulative effect.

3. It is the submission of the petitioner that against the above punishment, he preferred a writ petition in W.P.No.30412 of 2022, wherein this Court vide order dated 30.01.2024 has set aside the punishment. In pursuance of the same, when the Official Respondents had prepared for a promotion panel for the year 2022-2023, the petitioner's name find a place in



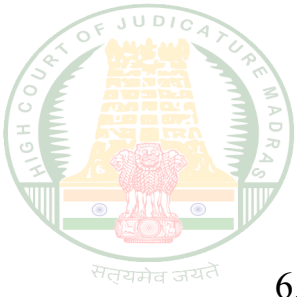
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Serial No.1. However, when the promotion order was issued vide G.O.(D)No.262, Labour Welfare and Skill Development (P1) Department, dated 28.05.2024, the petitioner was not promoted. Aggrieved with the same, the petitioner has come up with the present writ petition challenging the G.O.(D)No.262, Labour Welfare and Skill Development (P1) Department, dated 28.05.2024.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would contend that though the punishment imposed against the petitioner in G.O.(2D).No.81, Labour and Skill Development (PP1) Department, dated 10.10.2022 was subsequently set aside by this Court in W.P.No.30412 of 2022, they have already preferred writ appeal and there was some delay in filing such an appeal for which C.M.P.No.4804 of 2025 is pending consideration. In view of the same, the petitioner could not be promoted unless the writ appeal is disposed of.

5. I have given my anxious consideration to the submissions made on either side.

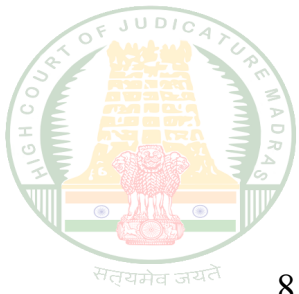


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6. The only ground urged by the respondents 1 to 3 is that in view of the currency of punishment and check period exist in pursuance of G.O.(2D).No.81, Labour and Skill Development (PP1) Department, dated 10.10.2022, the petitioner is not eligible for promotion. However, as rightly contended by the learned counsel for the petitioner such punishment was subsequently set aside by this Court in W.P.No.30412 of 2022, dated 30.01.2024. It is the submission of the learned Additional Government Pleader for the respondent that against which they preferred an appeal. Mere filing of an appeal will not confer any right upon the respondents to overcome the order of this Court in the writ petition.

7. As long as, there is no stay, it is the bounden duty on the part of the respondents 1 to 3 to comply with the direction passed in the writ petition. In this case, once the punishment imposed against the petitioner was set aside on 30.01.2024, he is entitled for all service benefits. After the order passed in the writ petition, he was also rightly included in the promotion panel for the year 2022-2023, dated 15.05.2024. However, the non-inclusion of petitioner's name in the promotion list is arbitrary and contrary to the settled principle of law.



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8. It is pertinent to mention here that though the petitioner had challenged the G.O.(D)No.262, Labour Welfare and Skill Development (P1) Department, dated 28.05.2024 by and in which 8 persons have already been promoted but those individuals are not party to the present writ petition. In view of the same, this Court do not want to interfere with the G.O.(D)No.262, Labour Welfare and Skill Development (P1) Department, dated 28.05.2024.

9. As already stated that the respondents 1 to 3 cannot take advantage of the filing of appeal with a delay. Therefore, this Court is of the firm view that the petitioner is entitled for promotion according to his original seniority, ofcourse, the promotion of the petitioner is subject to the outcome of the writ appeal, which has been filed by the Official Respondents.

10. In view of the above detailed discussions, this Court directs the respondents 1 to 3 to notionally promote the petitioner according to his seniority of the promotion panel dated 15.05.2024 with all consequential benefits. However, the monetary benefits with effect from actual date of promotion, as if the petitioner was not imposed with the punishment in



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G.O.(2D).No.81, Labour and Skill Development (PP1) Department, dated 10.10.2022, within a period of four weeks from the date of receipt of copy of this order.

11. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

12.06.2025

Index : Yes
Speaking order
Neutral Citation : Yes
dm

To

- 1.The Additional Chief Secretary
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Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Department of Employment and Training,
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C.KUMARAPPAN, J.

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