



W.P.No. 9249 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 02.04.2025

CORAM:

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.9249 of 2025 and
W.M.P. Nos.10363 to 10365 of 2025

V. Malligeswari

... Petitioner

VS

- 1.The Commissioner
Vellore City Municipal Corporation,
Vellore 632 001.
2. The Director of Municipal Administration,
No.75, Santhome High Road,
M.R.C.Nagar,
R.A.Puram, Chennai 600 028.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other Writ or order or direction calling for the records relating to the impugned order of the 1st respondent issued in Na.Ka.No.C1/12471/2006 dated 11.4.2019 and the consequential order issued in Na.Ka.No.C1/1172/2023 dated 27.3.2023 and quash the same and consequently to direct the 1st respondent to consider the name of the petitioner for promotion as Assistant retrospectively from 9.1.2019 in the light of the orders already passed by the 1st respondent, the date on which there was no charge



W.P.No. 9249 of 2025

memo pending or punishment in currency, with all service and monetary benefits.

WEB COPY

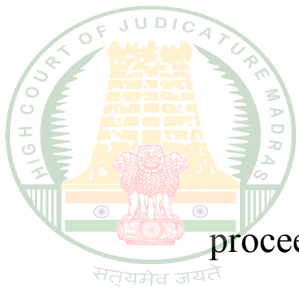
For Petitioner : Mr. T. Ranganathan
For R1 : Mr.P.S. Prabu
For R2 : Mr. C. Selvaraj
Additional Government Pleader.

ORDER

This Writ Petition has been filed in the nature of a certiorarified Mandamus seeking records relating to the order of the first respondent in Na.Ka.No.C1/12471/2006 dated 11.04.2019 and the consequential order issued in Na.Ka.No.C1/1172/2023 dated 27.03.2023 and to quash the same and direct the first respondent to consider the name of the petitioner for promotion to the post of Assistant retrospectively from 09.01.2019.

2. It had been contended by the petitioner that on that particular date, there was no charge memo pending or punishment in currency. The petitioner seeks service and monetary benefits to be paid on an from 09.01.2019.

3. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioner had been appointed as a Record Clerk by the



W.P.No. 9249 of 2025

proceedings of the Commissioner, Tiruchirapalli Municipality, on 20.09.1993. Subsequently, the petitioner was transferred to Vellore Municipality and joined on 25.10.1994 and then promoted on 18.08.1997 to the post of Junior Assistant. Thereafter, on 24.07.2007, the first respondent / Commissioner, Vellore City Municipal Corporation, had placed the petitioner under suspension on the allegation that the petitioner had produced a bogus 10th standard certificate. This was questioned by the petitioner in W.P.No.26248/2007 and it is contended that the order of suspension was set aside. The petitioner was reinstated into service by the proceedings of the first respondent on 03.09.2007. Thereafter, a charge memo had been issued to the petitioner on 27.07.2007 and the charge memo was challenged by the petitioner in W.P. No.18518/2016 and an order was passed on 26.05.2016 directing the first respondent to pass orders on merits on the basis of the representation given by the petitioner. Thereafter, the enquiry commenced and the enquiry officer concluded that the charges stood proved and a punishment of stoppage of increment for one year with cumulative effect was imposed. It is contended that based on the punishment, which was imposed on 10.01.2018, the petitioner had been denied the promotion as Assistant for the period from 10.01.2018 to 09.01.2019. The petitioner claims that on



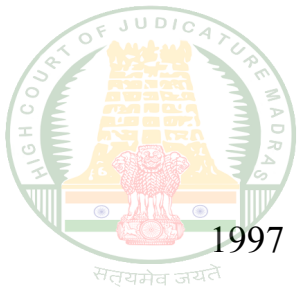
W.P.No. 9249 of 2025

and from 09.01.2019, she is eligible to be promoted to the post of

Assistant and that the said promotion should be granted to the petitioner.

4. In the impugned order, it had been stated that since the charge memo was pending, promotion could not be granted. The learned counsel for the petitioner stated that effect of punishment imposed by order dated 10.01.2018 would be only for one year, i.e., till 09.01.2019 and therefore, on and from 09.01.2019, the petitioner should be considered as eligible for being promoted to the post of Assistant.

5. A counter affidavit had been filed on behalf of the first respondent wherein it had been contended that the petitioner joined as a Record Clerk and the qualification required was pass in 8th standard. Subsequently, the petitioner submitted a 10th standard certificate and therefore, on the basis of such certificate, she was promoted to the post of Junior Assistant on 15.09.1997. However, owing to a complaint received, it was found that the certificate produced by the petitioner was a bogus and a false certificate. The petitioner actually completed and passed 10th standard only in the year 2011. It had been contended that, therefore, she was unlawfully holding the post of Junior Assistant from



W.P.No. 9249 of 2025

WEB COPY

1997 till 2011. In this connection, it had been stated that though the enquiry officer had recorded a finding that the charges had been established, the disciplinary authority had passed a lenient punishment of withholding of increment for a period of one year with cumulative effect. This had been further questioned by the respondents and it is contended that a petition was filed before the Tamil Nadu Local Bodies Ombudsman and an order dated 20.02.2020 had been passed that the petitioner had obtained employment on the basis of the forged certificate. It is now contended that further proceedings are now pending against the petitioner.

6. In the counter affidavit, it had been further contended that on a surprise inspection by the Vigilance and Anti Corruption on 30.10.2017, unaccounted cash had also been found in the office of the petitioner herein and various other acts of omission and commission had also been stated in the counter affidavit. It had been stated that the petitioner was not eligible to be promoted for the post of Assistant since, the initial promotion to the post of Junior Assistant itself is unlawful on the basis of the forged certificate. In view of that particular fact, since a detailed enquiry will have to be conducted into the conduct of the petitioner,



W.P.No. 9249 of 2025

particularly with regard to producing of a forged certificate for the promotion to the post of Junior Assistant and since the Vigilance and Anti Corruption Department is also seized of the entire issue, I am not inclined to interfere with the impugned orders.

7. In the result, the Writ Petition stands dismissed. No costs. W.M.P. No.10363/2025 which was filed to dispense with the production of the original impugned orders, stands allowed. Consequently, connected miscellaneous petitions are closed.

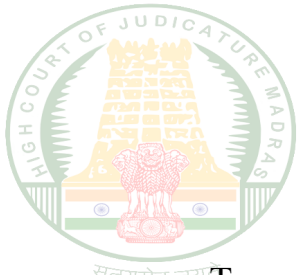
02.04.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

Bga



W.P.No. 9249 of 2025

To
WEB COPY

1. The Commissioner
Vellore City Municipal Corporation,
Vellore 632 001.
2. The Director of Municipal Administration,
No.75, Santhome High Road,
M.R.C.Nagar,
R.A.Puram, Chennai 600 028.



WEB COPY



W.P.No. 9249 of 2025

C.V. KARTHIKEYAN, J.

bga

W.P.No.9249 of 2025 and
W.M.P. Nos.10363 to 10365 of 2025

02.04.2025