IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.A.No.3163 of 2025
and
C.M.P.No.25728 of 2025

1. The Principal Secretary to Government,
Revenue Administration and Disaster
Management Department,
Fort St.George,
Secretariat,
Chennai - 600 009.

2. The Additional Chief Secretary,
Revenue Administration and Disaster
Management Department,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3. The District Collector,
District Collector Office,
Tiruvannamalai - 606 604. ... Appellants

-Vs-

J.Jayakumar ... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 29.01.2025 in W.P.No.2877 of 2025.

For Appellants	:	Mr.E.Veda Bagath Singh Special Government Pleader
For Respondent	:	Mr.K.Sathish Kumar

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.)**

This intra Court appeal has been directed against the order dated 29.01.2025 made in W.P.No.2877 of 2025.

2. The respondent who is the writ petitioner had been working as a Deputy Collector / District Manager of Tamil Nadu State Marketing Corporation Limited (TASMAC), Thiruvallur East, Thiruvallur District, based on his seniority, he would be eligible to be considered for promotion to the post

of District Revenue Officer. The crucial date for inclusion in the panel fit for promotion to the post of District Revenue Officer was 01.04.2024. The panel was drawn to that effect on 11.11.2024. However, in the meanwhile, on 06.07.2024, a charge memo has been issued against him. Therefore, based on the charge memo dated 06.07.2024, his name has not been included in the panel drawn on 11.11.2024 by issuance of G.O.(Ms)No.765, Public (Special-A) Department, therefore, the action on the part of the appellants in non-inclusion of the name in the panel fit for promotion to the post of District Revenue officer by taking crucial date as 01.04.2024, the respondent / writ petitioner has approached the writ Court seeking for a writ of mandamus as prayed therein.

3. The writ Court having considered the said factual matrix and also by following the earlier decisions made in this regard has allowed the said writ petition by giving a mandamus through the impugned order dated 29.01.2025.

4. Mr.E.Veda Bagath Singh, learned Special Government Pleader appearing for the appellants would submit that, even though the crucial date was

01.04.2024, the panel was drawn only on 11.11.2024 by issuance of G.O.(Ms)No.765 dated 11.11.2024 and on the date of drawal of the panel, already there has been a charge dated 06.07.2024, the respondent / writ petitioner's name has not been included as he was not entitled to get such inclusion in the panel, therefore, against such non-inclusion, the present writ petition since has been disposed without considering these factual matrix in proper perspective by the writ Court since the mandamus was issued by allowing the said writ petition through the impugned order, it requires interference at hands of the Division Bench, he contended.

5. We have also heard Mr.K.Sathish Kumar, learned counsel appearing for the respondent / writ petitioner who has brought to our notice that the relevant provision of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 where the procedure under Schedule-XI Part A under Section

7(1), the procedural promotion for preparation of approved list since has been made elaborately, where the Sub-rule 5 reads as follows:

> *"II.(5) Mere filing of cases in Courts by the appropriate Investigating Authority against a member of service, shall not be a bar for inclusion of his name in the approved list. If specific charges are framed or charge sheet has been filed in the criminal case on the crucial date his name shall not be considered for inclusion in the approved list."*

6. Relying upon this Rule, the learned counsel appearing for the respondent would contend that, if at all, any specific charges are framed or charge sheet has been filed in the criminal case on the crucial date, his name shall not be considered for inclusion in the approved list.

7. Therefore, on the crucial date, i.e., 01.04.2024 no charge memo has been issued and no charge sheet has been issued in any criminal case against the respondent / writ petitioner, therefore, applying the principles of the said Rule, his name ought to have been included in the panel though had been belatedly

drawn on 11.11.2024, therefore, non-inclusion of his name and consequently non recommendation of his name for the promotion to the post of District Revenue Officer is bad in law and this aspect having been considered in proper perspective only, the learned Single Judge allowed the said writ petition and the same does not warrant any interference, he contended.

8. We have heard the said rival submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.

9. As has been rightly pointed out by Mr.K.Sathish Kumar, learned counsel appearing for the respondent / writ petitioner that, the crucial date was 01.04.2024 for preparation of the panel and the panel was drawn only on 11.11.2024 belatedly. However, when the panel was drawn, only based on the crucial date, i.e., 01.04.2024, on that day, admittedly, no charge memo has been filed against him, the charge memo has been filed only on 06.07.2024 i.e., well after 01.04.2024, therefore, filing of the said charge memo would no way take away the right accrued already on the incumbent, i.e., respondent / writ

petitioner to get his name included in the panel fit for promotion to the post of District Revenue Officer in view of the sub-rule 5 of Section 7(1) of the annexure as has been extracted herein above.

10. That apart, the immediate employer, i.e., District Collector / third appellant herein vide proceedings dated 08.05.2024 has forwarded the name of the writ petitioner for inclusion of his name for the panel to be prepared fit for promotion to the post of District Revenue Officer by taking into account of crucial date as 01.04.2024. The relevant proceedings issued by the third appellant / District Collector dated 08.05.2024 reads thus:

> *"The particulars called for in the above reference for consideration for the drawal of the panel of District Revenue Officers for the year 2024-2025 is enclosed herewith in the prescribed Format in duplicate in respect of the following Deputy Collector of Tiruvannmalai District.*

Sl.No.	*Name and Designation*
1.	*Thiru.J.Jayakumar Additional Personal Assistant (Land) to the Collector, Tiruvannamalai.*

I am to state that in this regard that no disciplinary proceedings is pending or contemplated to be initiated against the above Deputy Collector."

11. Therefore, looking from any angle, non-inclusion of his name in the panel prepared for promotion to the post of District Revenue Officer by taking into account of the crucial date as 01.04.2024 was unjustifiable because of the Rule position, as admittedly the charge memo has been sent only belatedly, i.e, on 06.07.2024 as there has been no charge memo or no charge sheet filed or pending against the respondent / writ petitioner on the crucial date, i.e., 01.04.2024, his name ought to have been included in the panel fit for promotion to the post of District Revenue Officer, therefore, there was every justification on the part of the writ Court in issuing direction by way of mandamus through the impugned order. Hence, we do not propose to interfere with the same, accordingly this Writ Appeal is liable to be dismissed and hence, it is dismissed.

12. After dictating of this order, the learned Special Government Pleader appearing for the appellants wants three months time to comply the order passed

by the writ Court which is impugned herein, his plea is accepted and three months time is granted to comply the order which is impugned herein. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) **(S.S., J.)**
22.10.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

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