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W.A.No.3650 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.3650 of 2025

1. The Chairman cum Managing Director
No.144, Anna Salai
Chennai – 600 002.
 2. The Chief Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.
Gandhi Nagar, Katpadi
Vellore District.
 3. The Superintending Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.
Dharmapuri Electricity Distribution Circle
Dharmapuri – 5.
 4. The Superintending Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.
Krishnagiri Electricity Distribution Circle
Krinshnagiri.
- .. Appellants

Vs.

K.Nagarajan .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 03.04.2025 made in W.P.No.2584 of 2019.

For the Appellants : Mr.C.Manoharan

For the Respondent : Mr.S.N.Ravichandran



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JUDGMENT

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

This intra-Court appeal has been directed against the order passed by the Writ Court dated 03.04.2025 made in W.P.No.2584 of 2019.

2. That the respondent/writ petitioner was initially engaged as a Casual Labourer and was made permanent as a Helper with effect from 30.03.1988. While he was working, since he had been implicated in a criminal case, he was suspended on 01.05.1988 and subsequently, the suspension was revoked by the appellant employer on 06.06.1999.

3. While that being so, when his next turn for promotional avenue to the post of Wireman had come, he was not considered for the same and he was overlooked and his juniors were given promotion, therefore, he gave a representation on 16.07.2001 to include his name to the temporary panel fit for promotion to the post of Wireman. However, on 17.02.2002, an order has been issued by promoting other persons, excluding the respondent/writ petitioner, since he had been involved in a criminal case and the



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Disciplinary Proceedings initiated against him also culminated into punishment of censure and therefore, he was not considered to be included for the Panel fit for promotion to the next promotional avenue, that is Wireman.

4. However, the fact remains that, subsequently, the criminal case ended in acquittal and insofar as the punishment of censure is concerned, it has been already held in a number of cases of this Court that censure is not a punishment and based on which, promotional avenue and other service benefits cannot be denied or retained in respect of any employee.

5. In this context, the learned Judge who dealt with the matter in the writ petition has taken into account the said ratio and ultimately allowed the said writ petition by giving directions to the appellant employer to consider the candidature of the respondent/writ petitioner for giving promotion from the date actually his juniors got promoted to the next promotional avenue, that is Wireman, of course, notionally and no financial benefits could be accrued, except only from the date of actual promotion given to the respondent/writ petitioner. This is the order which is impugned herein.



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6. We have heard *Mr.C.Manoharan*, learned counsel for the appellants and *Mr.S.N.Ravichandran*, learned counsel for the respondent/writ petitioner, who stood as the caveator.

7. As has been rightly held by the learned Judge of the Writ Court, censure is not a punishment and moreover, the criminal case where he was implicated since has ended in acquittal, it has no further impediment insofar as the respondent/writ petitioner's case for considering his name for the purpose of promotion. When that being the position, instead of giving promotion in the year 2002, since he has been given promotion belatedly in the year 2004, the respondent/writ petitioner is entitled to get promotion from the actual date his juniors are getting promoted, of course, notionally, therefore, the said directions given in the impugned order dated 03.04.2025 cannot be said to be flawed one.

8. As a result of which, the appeal fails and hence it is liable to be dismissed, accordingly, it is dismissed. The learned counsel appearing for the appellants wants to implement the order passed



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by the Writ Court, which is impugned herein, within a period of six weeks. This statement is taken on record. No costs. Consequently, C.M.P.No.30159 of 2025 is closed.

(R.S.K., J.) (S.S.A., J)
09.12.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)

To:

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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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