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W.P.No.48611 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.48611 of 2025

and

W.M.P.Nos. 54276 & 54279 of 2025

S.Leelavathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Director of Sericulture,
Office of the Director of Sericulture,
Salem – 636 007, Salem District.

3.The Deputy Director of Sericulture,
Hosur, Krishnagiri District.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent in Rc.No.816/E2/2025-3 dated 04.11.2025 and the subsequent panel for



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promotion to the post of Inspector of Sericulture for the year 2019-2020 issued by the 2nd respondent in Proc.No.816/E2/2025 dated 04.11.2025 and to quash the same and consequently, directing the respondents to include the name of the petitioner in the panel for promotion to the post of Inspector of Sericulture for the year 2019-2020 in the appropriate place based on her seniority with consequential promotion of the petitioner to the post of Inspector of Sericulture with all other attendant benefits.

For Petitioner : Mr.J.Jayamalan

For Respondent : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 04.11.2025 issued by the 2nd respondent and for a directing to the respondents to include the name of the petitioner in the panel for promotion to the post of Inspector of Sericulture for the year 2019-2020 in the appropriate place based on her seniority with consequential promotion of the petitioner to the post of Inspector of Sericulture with all other attendant benefits.

2. With the consent of the learned counsel on either side, this Writ Petition is taken up for disposal at the admission stage.



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3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Assistant Inspector of Sericulture on 29.02.2016 and her services were regularized with probation declared from 27.10.2018. During her initial posting at Uddanapalli, she was deputed to Hosur and allotted Government quarters. Due to ongoing fertility treatment, he continued to reside to Hosur with permission. However, she was later issued a charge memo under Rule 17(a) for not staying at Uddanapalli quarters thereby, the punishment of stoppage of increment for two years was imposed on 14.06.2017 without cumulative effect.

4. The petitioner preferred an appeal against the said punishment, and the Appellate Authority modified the punishment to “Censure” on 20.07.2018. The modified punishment, in law, substitutes and takes effect from the original date of punishment. The next promotion post being Inspector of Sericulture, the petitioner’s name was omitted from the 2018-2019 panel citing the Censure. Despite modification of punishment, his juniors were included. The omission was made solely based on the existence of the Censure. Aggrieved by the same, the petitioner made a



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representation to confer the promotion however, the same was rejected vide impugned order dated 04.11.2025 stating that the censure is punishment, it will operate one year from the date of punishment. Challenging the same, this Writ Petition is filed.

5. The learned counsel appearing for the petitioner would submit that the crucial date for preparing the panel is 15.04.2019 however, the original punishment date is 14.06.2017. After expiry of one year from 14.06.2017, the petitioner is entitled to get promotion however, the respondent rejected the petitioner's request on the ground that the punishment operates on 20.07.2018 and one year will be lapsed on 20.07.2019, which is not acceptable one. In the support of the said submission, the learned counsel for the petitioner relied upon W.P.No.12882 of 2016 dated 19.07.2021. Accordingly, he prayed for appropriate orders.

6. Per contra, learned Special Government Pleader appearing for the respondents would submit that admittedly, the original punishment was imposed by the competent authority on 14.06.2017 whereas the crucial date



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for preparation of panel is 15.04.2019 and that the original punishment was modified on 20.07.2018. However, if the original date is considered, the punishment for two years without cumulative will operate for five years whereas the modified punishment operates for one year. Hence, the crucial date must be the lesser punishment imposed by the Authority, which will operate for one year. Accordingly, he prayed for dismissal of the writ petition.

7. The learned Special Government Pleader has referred Section 7(1) of Schedule-XI Part-II, Clause 11 and 14 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, which extracted hereunder:

“(11) Any punishment (other than 'Censure') imposed on a member of service within a period of five years prior to the crucial date and a punishment of 'Censure' imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment, including 'Censure' imposed on a member of service after the crucial date, but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment.



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(14) The punishment of 'Censure' imposed on a member of service within a period of one year preceding the crucial date shall not be held against a member of service, if the delinquency in respect of which such punishment is imposed had occurred prior to five years preceeding the crucial date. In such cases the name of the member of service shall be considered for inclusion in the approved list."

8. As on the crucial date, the punishment is in operation thereby, the impugned order was passed strictly in terms of Section 7(1) of Schedule-XI Part-II, Clause 11 and 14 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, which need not be interfered with.

9. In view of the above discussion, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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M.DHANDAPANI, J.

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