



W.P.(MD)No.1954 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1954 of 2025

M.Diwan

... Petitioner

Vs.

1. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai – 600 015.

2. The District Collector,
Thoothukudi District,
Thoothukudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 2nd respondent herein to promote the petitioner as Deputy Block Development Officer on par with his Juniors, who have been promoted on 12.08.2022 and 07.10.2022 and give all the attendant benefits by considering the Petitioner's representation dated 27.09.2024.



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W.P.(MD)No.1954 of 2025

For Petitioner : Mr.D.Srinivasa Ragavan
For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by an Assistant working in the 2nd respondent office, seeking a mandamus to promote him as Deputy Block Development Officer on par with his juniors who are promoted on 12.08.2022 and 07.10.2022 with all attendant benefits based upon his representation dated 27.09.2024.

2. According to the learned counsel appearing for the petitioner, the petitioner was implicated in a criminal case on 05.10.2019 and therefore, his name was not included in the panel for promotion to the post of Deputy Block Development Officer for the year 2022.

3. The learned counsel appearing for the petitioner contended that the crucial date for inclusion of name in the panel is 01.01.2020. On the said date, charge sheet was not laid against the petitioner. He further contended that the petitioner's juniors were promoted on 12.08.2022 and thereafter a charge memo was issued to him only on 19.12.2022.



W.P.(MD)No.1954 of 2025

WEB COPY

4. The learned counsel appearing for the petitioner relied upon Schedule XI Part (A) Clause II (5) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and contended that unless a charge sheet or a charge memo is pending on the crucial date, the name of an employee cannot be overlooked from the panel. According to him, on the crucial date neither a charge memo nor a charge sheet was pending as against the petitioner.

5. The learned counsel appearing for the petitioner has also relied upon the judgement in W.P.(MD).No.11773 of 2021 and etc., dated 28.07.2022 and contended that this Court has considered the said issue and has arrived at a finding that if no final report in the criminal case has been filed, there cannot be any legal impediment for including the name of the government employee in the panel. The petitioner has given a representation on 27.09.2024 to the 2nd respondent herein. Since the said representation has not been considered, the present writ petition has been filed.



W.P.(MD)No.1954 of 2025

WEB COPY

6. Considering the above said facts, the 2nd respondent is directed to consider the representation of the petitioner dated 27.09.2024 and pass orders in the light of the above said facts within a period of 12 weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of with the above observations and directions. No costs.

24.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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To

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W.P.(MD)No.1954 of 2025

R.VIJAYAKUMAR, J.

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W.P.(MD)No.1954 of 2025

24.01.2025