

W.A(MD)No.905 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A(MD)No.905 of 2020
and
C.M.P.(MD) No.4938 of 2020**

1. The Director General Of Police
Cum Inspector General of Prisons,
Tamilnadu, Chennai-8.

2. The Deputy Inspector General Of Prisons,
Kovai Region, Kovai District.

3. The Deputy Inspector General Of Prisons,
Madurai Region, Madurai.

4. The Superintendent of Police,
Central Prison,
Madurai-16, Madurai District.

5. The Superintendent of Prison,
District Prison, Virudhunagar District.

... Appellants

Vs.

R.Karuthapandian,

... Respondent



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 12.11.2019 made in W.P(MD)No.3073 of 2015 allow the writ appeal.

For Appellants : Mr.S.R.A.Ramachandran
Additional Government Pleader

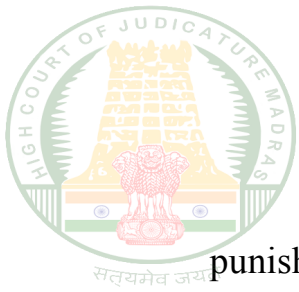
For Respondent : Mr.B.Arun Prasath
for Mr.S.C.Herold Singh

JUDGMENT

[Judgment of the Court was made by R.VIJAYAKUMAR, J.]

The State has preferred the present appeal challenging the order passed by the Writ Court, wherein the prayer for grant of promotion was allowed, quashing the order passed by the authorities rejecting promotion by citing check period after the currency of minor punishment.

2.The writ petitioner who working as Warder, was imposed with a minor punishment i.e., postponement of increment for six months by way of an order dated 26.09.2012. By that time, his name was already included in the panel for the year 2014-2015 for being promoted to the post of Grade I Warder. Though the writ petitioner had undergone the



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punishment, his name was not considered for promotion primarily on the ground that he had not completed the check period of five years from the date of completion of punishment. This order of rejection was challenged by the writ petitioner.

3.The writ court was pleased to allow the writ petition by relying upon the judgment made in the case of *the Deputy Inspector General of Police, Thanjavur Range Vs. V.Rani* reported in *2011 (3) CTC 129*, wherein the Hon'ble Full Bench of this Court has held that an embargo on the right of the Government Servant to claim promotion can be imposed only during the currency of the minor punishment and it would be illegal and impermissible to extend the said period for a further period of five years in the name of check period. Hence, the State has preferred the present writ appeal challenging the said order.

4.The main contention of the learned Counsel appearing for the appellants is that the Government, by way of G.O.MS.No.22, Personnel and Administrative Reforms (S) Department, dated 24.02.2014 has amended the rules by reiterating the earlier orders by taking into account



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various orders passed by this Court. In view of the amended statutory service rules, the learned Additional Government Pleader submitted that the order of the writ court is liable to be set aside.

5.We are not in agreement with the said submission. The writ petitioner had undergone the punishment in the year 2012 and completed the currency of punishment in March 2013. Therefore, the petitioner, having acquired his right to be considered for promotion, even prior to the issuance of G.O.MS No.22, Personnel and Administrative Reforms (S) Department, dated 24.02.2014, cannot be deprived of the said right. The Hon'ble Full Bench of this Court in the case of ***the Deputy Inspector General of Police, Thanjavur Range Vs. V.Rani*** reported in ***2011 (3) CTC 129*** in paragraph No.28(5) has held as follows:

"28(5).Consequently, the embargo put on the right of Government servant for being considered for promotion for a further period, after the period of minor punishment is over, in the name of 'check period' viz., one year in the case of censure and five years in the case other minor punishments is illegal and



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impermissible under the Statutory Rules."

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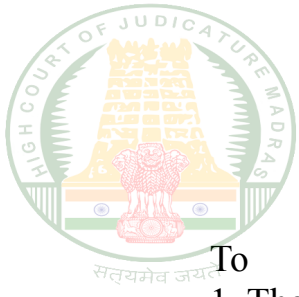
6.In view of the judgment of the Hon'ble Full Bench of this Court and in view of the fact that the Government order amending the statutory service rules came into force only w.e.f 22.04.2014, we find no reason to interfere with the order of the writ Court.

7.Accordingly, the writ appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[C.V.K., J.] [R.V., J.]
01.09.2025

Index: Yes/No
Internet: Yes/No
NCC: Yes/No

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