

W.A(MD) No.1822 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.1822 of 2023
and
C.M.P.(MD)No.13863 of 2023**

R.Santhi

... Appellant / Petitioner

Vs.

**1.The District Collector,
Collectorate,
Ramanathapuram,
Ramanthapuram District.**

**2.The Personal Assistant to the District Collector,
(Development),
Collectorate,
Ramanathapuram,
Ramanathapuram District.**

3.R.Nithyanantham

... Respondents / Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed by this Court in W.P.(MD)No. 14849 of 2020, dated 08.02.2023.

For Appellant : Mr.B.Vinoth Kumar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 & R2

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The appellant herein joined the Rural Development Department as Typist on 19.11.2009 and later, promoted as Assistant on 21.05.2012. The next promotional post is that of Deputy Block Development Officer. When the respondents 1 & 2 prepared a panel for promotion in the year 2019-2020, the appellant was not included in the said panel. Aggrieved by the said exclusion and inclusion of her juniors, the appellant filed W.P.(MD)No.14849 of 2020. The learned single Judge vide order dated 08.02.2023 dismissed the writ petition. Challenging the same, this writ appeal has been filed.

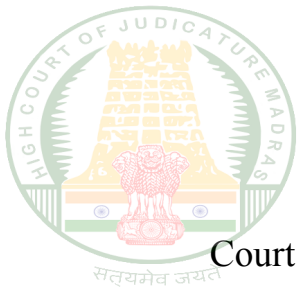


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2. The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of appeal. His prime argument is that 01.03.2019 was the crucial date and on that date, the appellant did not suffer from any disqualification. No final report was filed against her and no charge memo was issued. Therefore, the authorities were obliged to have included her name in the promotion panel and also promoted her on par with her juniors. He relied on the recent decision of the Coordinate Bench in ***W.A.(MD)No.527 of 2025 dated 11.03.2025 (The Transport Commissioner Vs. R.Ravichandran)*** in support of his contention that the position that obtains on the crucial date alone is relevant and not the subsequent developments.

3. Per contra, the learned Additional Government Pleader submitted that the impugned order is well reasoned. He took us through the statutory scheme set out in Schedule XI of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. His contention is that the developments that have taken place subsequent to the crucial date and before the actual promotion cannot be lost sight of. He called upon this



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Court to sustain the order of the learned single Judge and dismiss the writ appeal.

4. We carefully considered the rival contentions and went through the materials on record. It is true that on 01.03.2019, the appellant did not suffer from any disqualification. The appellant was working as Assistant in the R.S.Mangalam Panchayat Union in Ramanathapuram District during the relevant period. The Block Development Officer, the Panchayat Secretary and the petitioner came under the adverse notice of the Vigilance and Anti Corruption Department, Ramanathapuram. It is true that when the final report was filed, the prosecution did not name the petitioner as an accused. However, disciplinary action against the appellant was recommended. This was accepted by the Government and G.O.Ms.No.112, Rural Development and Panchayat Raj Department, dated 26.06.2019 was issued.

5. As per Clause 7 of Schedule XI of the Act, the remittal orders issued by the Government directing the appropriate authority to initiate disciplinary action against a member of service shall not be a bar for inclusion of his name in the approved list.

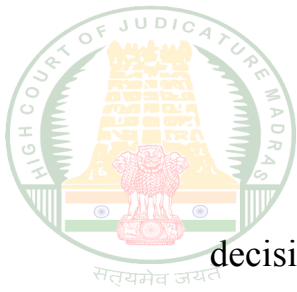


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5. If the appellant had come to this Court immediately in the year 2019 itself, then probably we would have viewed the matter differently. But the second part of Clause 7 of Schedule XI of the Act, reads that if charges are framed under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules as a result of such remittal orders, the name of the member of service shall not be considered for inclusion in the approved list. Pursuant to the aforesaid remittal order contained in G.O.Ms.No.112, Rural Development and Panchayat Raj Department, dated 26.06.2019, charges were framed under Rule 17(b) against the appellant on 24.11.2021.

6. The case of the appellant thus falls under the second part of Clause 7 of Schedule XI of the Act. Clause 1 of Schedule XI of the Act reads that if specific charges had been framed, promotion shall be deferred till such proceedings are concluded. Thus, the case of the appellant attracts both Clause 1 as well as Clause 7 of Schedule XI of the Act. These two clauses were not considered by the Coordinate Bench in W.A.(MD)No.527 of 2025. On this ground, we distinguish the said



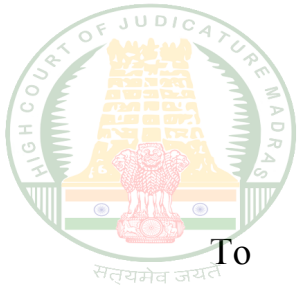
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decision. The fact that the appellant was not under a cloud on the crucial date is no longer material. This is because before actual promotion could be granted, charges had been framed against her under Rule 17(b).

7. In this view of the matter, we sustain the order of the learned single Judge. The Writ Appeal stands dismissed. We direct the disciplinary authority to conclude the disciplinary proceedings initiated against the appellant on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. In the event of the appellant being exonerated, she will be entitled to the benefit set out in Clause I & Clause II of Schedule XI of the Act. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
11.07.2025

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