



W.P.(MD).No.14122 of 2025

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 14.05.2025

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THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

W.P.(MD).No.14122 of 2025

and

W.M.P.(MD).Nos.10257 & 10258 of 2025

J.Amala Jessi Jacquillin

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai-600 009.

2.The Director of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet,
Chennai-600 015

...Respondents

PRAYER: Writ Petition has been filed under Section 226 of Constitution of India to issue a writ of certiorari or any other appropriate writ or order or direction in the nature of Writ of Certiorari, calling for the records relating to the impugned Government order in G.O.(D).No.228, Rural Development & Panchayat Raj Department E3 dated 05.05.2025 issued by the 1st respondent and quash the same.

For Appellants : Mr.V.R.Shanmuganathan

For Respondents : Mr.K.Selvaganesh
Additional Government Pleader



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ORDER

The petitioner joined the respondent department as an Assistant Engineer on 07.12.1998 and promoted as Assistant Executive Engineer, Rural Development, Thoothukudi Sub-Division. On 10.09.2020, disciplinary proceedings was initiated against her vide charge memo dated 10.09.2020. Before that, the Director of Vigilance and Anti Corruption Department registered a case under Section 13(1)(e) of the Prevention of Corruption Act, 1988 with the allegation that she accumulated disproportionate assets amount of Rs.25,40,972.57/- in her name and her husband's name during the check period between 01.12.1999 and 31.03.2009. The said case ended in conviction in C.C.No.2 of 2016 vide judgment dated 06.12.2024 and sentence of imprisonment also imposed upon her and this Court granted interim suspension of sentence alone.

2. Another charge memo also was issued against the petitioner vide Charge Memo No.V2/35452/2022 dated 02.06.2022. Pending the above proceedings, impugned promotion list was published without inclusion of the petitioner's name. Therefore, she filed the writ petition to quash the



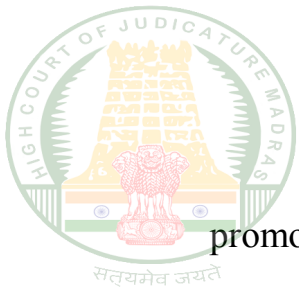
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same.

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3.In this petition, it is stated that she was eligible for the promotion on 06.10.2012 and her further promotion dated 09.10.2014 and her present promotion to Executive Engineer post right legitimately would occur on the date of the impugned order. There was no criminal case or charge memo pending on 06.10.2012. All the criminal cases and promotion list are subsequent to the said date. Therefore, she is entitled for the promotion.

4.This Court is unable to accept the case of the petitioner for many reasons. Once she was convicted and sentenced to undergo imprisonment in Spl.C.C.No.2 of 2016 dated 06.12.2024, she has no right to continue in the employment. However, she managed to work in the department. This Court also suspended only the sentence of imprisonment imposed in the above Spl.C.C.No.2 of 2016. There was no suspension of conviction. Till date two charge memos are pending against the petitioner apart from the above conviction in criminal case for accumulation of the disproportionate assets. In view of the above circumstances, relief in this petition is misconceived and the petitioner is not entitled for any



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promotion as claimed in this petition.

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5.Since the petitioner filed this petition seeking promotion after the conviction for the disproportionate asset case without right to hold the employment, this Court is constrained to dismiss this petition with costs of Rs.50,000/-.

6.Rule 17(c)(i)(1) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, contemplates that an employee, who is convicted by the competent Court of law, shall be dismissed from service without any further enquiry. In this case, the petitioner was convicted and sentenced to undergo imprisonment in Spl.C.C.No.2 of 2016 by judgment dated 06.12.2024.

7. It is shocking conscience of this Court, that no appropriate action is taken against the public servant who had been convicted under the Prevention of Corruption Act and other offences and no order of punishment under the said Rule. Allowing the convicted public servant to continue the Government Service is not only deplorable and it shows apathy on the part of the State Government. Therefore, this Court issued



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direction to “*The Chief Secretary, State of Tamilnadu*” and “*The*

Additional Chief Secretary to the Government/Vigilance

Commissioner” to furnish the details of the convicted public servant in the Government of Tamilnadu service irrespective of the rank and the action taken report under 17(c)(i)(1) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, 1955 within a period of one month from the date of receipt of a copy of this order before this Court.

8. Accordingly, this writ petition stands dismissed with costs of Rs.50,000/- payable to the credit of the **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832.**

Consequently, the connected miscellaneous petitions are closed.

9. List this case on 18.07.2025 for “reporting compliance”

14.05.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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- To
- 1.The Chief Secretary to the Government of Tamilnadu,
Chennai.
 2. Principal Secretary,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai-600 009.
 - 3.The Director of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet,
Chennai-600 015
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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