



W.P.(MD).No.14537 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.14537 of 2025

S.Mahalakshmi

... Petitioner

-VS-

1. The Additional Chief Secretary to Government,
Labour Welfare and Skill Development,
Secretariat, St.George Fort,
Chennai - 600 009.

2. The Commissioner / Director,
Directorate of Employment and Training,
Guindy, Chennai - 600 032.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to set aside the impugned order passed in G.O.(2B)No.51 dated 01.07.2024 on the file of the 1st respondent in Se.Mu.Order No. 15989/APa2/2020 dated 22.08.2023 on the file of the 2nd respondent and consequently direct respondents to regularise the Notional Promotion of the Petitioner as per proceedings of 2nd respondent Se.Mu.Order.No. 4440/PaA2/2018 dated 30.12.2021 subsequent G.O. (2D)No.87 dated 20.10.2022 passed by the 1st respondent within the time frame fixed by this Court.



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For Petitioner : Mr.S.Vijayaganesh

For Respondents : Mr.K.Balasubramani

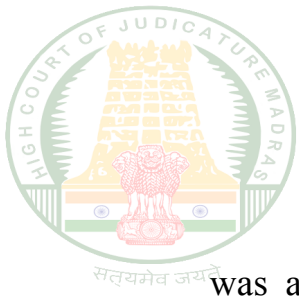
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent in G.O.(2B)No.51 dated 01.07.2024 and the impugned order passed by the second respondent in Se.Mu.Order No. 15989/APa2/2020 dated 22.08.2023 with a consequential direction to the respondents to regularise notional promotion of the petitioner, as per proceedings of 2nd respondent in Se.Mu.Order.No. 4440/PaA2/2018 dated 30.12.2021 and also in the light of the subsequent G.O.(2D)No.87, dated 20.10.2022 passed by the 1st respondent within the time frame fixed by this Court.

2. Heard the learned counsel on either side and perused the material placed before this Court.

3. The learned counsel appearing for the petitioner submits that the petitioner joined the government service in the year 1996 and he has been working honestly. While this being so, the second respondent passed an order of imposing the punishment of censure vide order dated 22.08.2023, which



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was also confirmed in the appeal filed by the petitioner vide order dated 01.07.2024 passed by the first respondent. He further submits that the promotion is also denied to the petitioner. Hence, the petitioner filed this writ petition seeking the aforesaid relief.

4. The learned Special Government Pleader appearing for the respondents submits that the petitioner, aggrieved by the impugned orders, has a statutory appellate remedy available under Rule 20 of the Tamil Nadu Government Servants Conduct Rules and Tamil Nadu Civil Service Discipline and Appeal Rules. The learned Special Government Pleader further submits that the only remedy available to the petitioner is to approach the Government, if aggrieved by the impugned orders. Without approaching the said authority, the petitioner has straightaway approached this Court under Article 226 of the Constitution of India.

5. This Court, after considering the rival submissions, is of the considered view that the petitioner will have to necessarily prefer an appeal as prescribed under Rule 20 of the Tamil Nadu Government Servants Conduct Rules and Tamil Nadu Civil Service Discipline and Appeal Rules, if aggrieved by the impugned orders.



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6. For the foregoing reasons, the petitioner is directed to prefer an appeal as against the impugned orders, as per Rule 20 of the Tamil Nadu Government Servants Conduct Rules and Tamil Nadu Civil Service Discipline and Appeal Rules, within a period of two months from the date of receipt of a copy of this order. On receipt of the same, the concerned authority, who was not in the earlier proceedings, shall dispose of the appeal within a period of four weeks thereafter. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the aforesaid directions, this writ petition is disposed of. There shall be no order as to costs.

14.07.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.14537 of 2025

Dated:
14.07.2025