



W.P(md)No.20561 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:05.11.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP(MD)No.20561 of 2019

and

W.M.P(MD)Nos.17198 and 17201 of 2019

P.Sivakumar

... Petitioner

Vs.

- 1.The Director of Medical Education,
Kilpakam Chennai-10.
- 2.The Dean,
Madurai Medical College,
Madurai.
- 3.D.Murugadass,
Non Medical Assistant to the
Professor of Bio-Chemistry,
Coimbatore Medical College,
Coimbatore.
- 4.S.Lakhsmana Perumal
Non Medical Assistant to the
Professor of Bio-Chemistry,
Tirunelveli Medical College Hospital,
Tirunelveli.
- 5.S.Balakrishnan,
Non Medical Assistant to the
Professor of Bio-Chemistry,
Madurai Medical College,
Madurai.



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6.G.Padmavathy

Non Medical Assistant to the
Professor of Bio-Chemistry,
Madurai Medical College,
Madura.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Ref.No.61511/E5/2019, dated 13.09.2019 and quash the same as illegal and consequently direct the 1st respondent to appoint the petitioner as a Non Medical Assistant to the Professor of Bio-Chemistry and for other reliefs.

For Petitioners : Mr.S.Thangaraj

For R1 & R2 : Mr.J.Ashok

Additional Government Pleader

ORDER

The present writ petition has been filed challenging the promotion panel, dated 13.09.2019.

2.Heard Mr.S.Thangaraj, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the first and second respondents.



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3.The learned counsel for the petitioner would submit that the petitioner was appointed as a Lab Technician Grade-II at Madurai Medical College, Madurai, on temporary basis on 13.11.2000. Thereafter, vide proceedings dated 01.10.2009, the second respondent herein appointed the petitioner as a Lap Supervisor on a temporary basis and his service was also regularised. But, taking advantage of the punishment imposed in a criminal complaint filed by the petitioner's wife, he was not considered for promotion by excluding him in the impugned promotion panel dated 13.09.2019. It is a specific submission of the petitioner that he is senior to the members shown in the impugned promotion panel dated 13.09.2019. Hence, he prayed to interfere with the same.

4.Per contra, the said contention was stoutly objected by the learned Additional Government Pleader and would contend that on the date of drawing panel, there was a currency of punishment against the petitioner. He would submit that the disciplinary proceeding was initiated against him, as early as on 11.7.2014. Thereafter, punishment was imposed against the petitioner on 28.12.2016. On the date of drawing the promotion panel, the petitioner's appeal was pending before the appellate authority and subsequently, the appellate authority has also confirmed the punishment imposed. Therefore, it is a specific contention of the learned Additional



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Government Pleader that since there was a currency of punishment against the petitioner on the crucial date, his name was not included in the promotion panel. Hence, he prays to dismiss the writ petition.

5.I have given my anxious consideration made on either side submission.

6.It is an admitted fact that the petitioner was imposed with a punishment on 28.12.2016 withholding of increment for two years with cumulative effect, and that on the crucial date his appeal was pending, before the appellate authority. Even the appellate authority decided the appeal against the petitioner on 03.09.2019 by confirming the order of the disciplinary authority. Therefore, it is amply clear that as per Schedule XI of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, any punishment imposed against a member of service withing a period of 5 years prior to the crucial date, and if there is a punishment of censure within a period of one year prior to the crucial date, shall be held against the member of service, and his name shall not be considered for inclusion in the approved list. In the case in hand, the punishment was imposed against the petitioner on 28.12.2016 and the currency of punishment will subsist up to 27.12.2021.

Whereas the impugned promotion panel was drawn on 13.09.2019, which



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squarely comes within the period of currency of punishment. Therefore, this Court could not find any infirmity in the impugned panel.

7.In view of the above, this Writ Petition stands dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

05.11.2025

Index : Yes/No
Neutral Citation : Yes/No
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To

1.The Director of Medical Education,
Kilpakam Chennai-10.

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C.KUMARAPPAN, J.

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