



W.P(md)No.23758 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:14.11.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP(MD)No.23758 of 2019

and

W.M.P(MD)Nos.20342 of 2019 and 8092 of 2020

K.Natarajan

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep by its Secretary to Government,
Labour and Employment Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Labour,
Teynampet,
Chennai-600 006.
- 3.The Assistant Commissioner of Labour(Enforcement)
No.66.J, Thondi Road,
Sivagangai,
Sivagangai District.
- 4.The Stamping Inspector,
No.66.J, Thondi Road,
Sivagangai,
Sivagangai District.
- 5.The Accountant General(A&E)
Anna Salai,
Teynampettai,
Chennai-600 018.



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6.Mr.G.Palani

Retired Deputy Inspector of Labour
(Retired on 31.05.2018)
Ranipet,
Vellore District

7.Mr.S.Mathivanan

Retired Labour Officer(SSS)
(Retired on 31.07.2017)
Pudukottai,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records related to the Order No.E2/21333/2019 dated 05.08.2019 passed by the 2nd respondent and quash the same and consequently direct the respondents to promote the petitioner as Deputy Inspector of Labour with effect from 22.05.2012 and Labour Officer from October 2016 on par with petitioner's junior ie., 6th and 7th respondents respectively and grant all the service, monetary and revised pensionary benefits within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For R1 to R4 : Mr.J.Ashok,
Additional Government Pleader

For R5 : Mr.P.Gunasekaran



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ORDER

The present writ petition has been filed challenging the rejection order dated 05.08.2017, in and by which, the petitioner's prayer for notional promotion was denied.

2.Heard Mr.A.Thirumurthy, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.P.Gunasekaran, learned counsel appearing for the fifth respondent.

3.The learned counsel for the petitioner would submit that the petitioner joined in the respondent Department as a Junior Assistant during 1985 and he got promotion to the post of Assistant and he was again promoted as Superintendent and thereafter he was posted as Assistant Inspector of Labour. When he was serving as Assistant Inspector of Labour, during 2006, he was involved in a criminal case, and the said criminal case subsequently ended in acquittal in S.C.No.3 of 2014 vide order dated 30.03.2015 on the file of Chief Judicial Magistrate, Theni. It is the specific submission of the petitioner that the sixth respondent, who was the immediate junior, was promoted to the post of Deputy Inspector of Labour on 22.11.2012 and that the petitioner was not considered for the above post



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as he was facing criminal charges. The learned counsel appearing for the petitioner would submit that since the criminal case was subsequently acquitted, he must be promoted notionally on par with his immediate junior viz., the sixth respondent. It is the further submission of the petitioner that though he was imposed with the punishment of compulsory retirement on 05.12.2019 on account of the subsequent charge of bigamous marriage, he was eligible to be considered for the next level post of Labour Officer as there was no charge pending on the crucial date against him. Hence, prayed to interfere with the impugned order.

4.Per contra, the said contention was stoutly objected by the learned Additional Government Pleader, and would contend that since the petitioner was facing with the criminal charge, he was not eligible to be considered for promotion. Though the petitioner subsequently got acquitted in the mean while, he was again facing another charge of bigamous marriage. Therefore, he was issued with the charge memorandum and ultimately on subsequent charge he was imposed with the punishment of compulsory retirement on 05.12.2019. Therefore, the learned Additional Government Pleader would submit that during 2012 since he was facing a criminal charges, he was not eligible to be considered for the promotion. Though he was subsequently acquitted, again he was facing with the Disciplinary Proceedings during



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2016, and such disciplinary proceedings ended with the punishment of compulsory retirement. Accordingly, the question of notional promotion to the petitioner does not arise. Hence, prayed to dismiss the writ petition.

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

6.There are no serious dispute in respect of the factual position of the case. It is the specific submission of the petitioner that while he was serving as Assistant Inspector of Labour, he was facing a criminal charge and the case was pending before the Chief Judicial Magistrate, Theni, in S.C.C.No.3 of 2014. It is not in dispute that on 30.03.2015 an order of acquittal was passed against the petitioner. In the meanwhile, admittedly, the sixth respondent, who is the immediate junior to the petitioner was promoted to the post of Deputy Inspector of Labour on 22.05.2012. Though the petitioner was eligible to be considered for the said post, only because of the pending criminal proceedings, he was not considered for that post and his immediate junior was considered.

7.As rightly submitted by the learned counsel for the petitioner the subsequent acquittal order dated 30.03.2015 would definitely entitle the



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petitioner to be promoted on par with his immediate junior as there was no departmental proceedings pending on the same set of charge dealt in criminal case. Though the learned Additional Government Pleader would submit that the petitioner is not entitled to be considered for promotion in view of the subsequent charge for bigamous marriage, this Court is not in a position to accept such argument, as the charge at the relevant point of time qua crucial date alone will be relevant to be considered for promotion, and not the subsequent charges after the crucial date.

8. In the case in hand, on the crucial date, except the criminal case there was no disciplinary proceedings. Therefore, this Court is of the firm view that after the order of the acquittal dated 30.03.2015, the petitioner was entitled for promotion. But he was not considered for the same. In the mean while, due to the subsequent charge memorandum of bigamous marriage, he was issued with charge memorandum under Section 17(b) of the Discipline and Appeals Rule, and the charge was framed against him under Rule 19 of the Tamil Nadu Government Servant Contract Rules. In pursuance of the same, he was issued with the punishment of compulsory retirement on 05.08.2019 and such punishment has reached its finality. All the above proceedings were subsequent to the crucial date for the consideration of promotion to the next level post of Deputy Inspector of Labour.



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9. Accordingly, this Court is of the firm view that though the petitioner has eligible for the post of Deputy Inspector of Labour, as he was retired on account of the punishment of compulsory retirement imposed by the respondents, the question of promoting the petitioner to the said post does not arise. Therefore, we direct the respondent to treat the petitioner suffered the punishment of compulsory retirement in the rank of Deputy Inspect of Labour. In view of the above, this Court is of the view that the petitioner is entitled all terminal benefits, viz., pension gratuity and other terminal benefits according to their eligibility for the post of Deputy Inspector of Labour.

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

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Index : Yes/No

Neutral Citation : Yes/No

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C.KUMARAPPAN, J.

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