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WP No. 11717 of 2016 & bc



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.11717 and 29774 of 2016,
10774 and 2789 of 2015 and 26897 of 2014 and
WMP.Nos.10137, 25761 and 10138 of 2016
and 18708 and 18710 of 2017

S.Paulraj

..Petitioner(s)

Vs

1. Government of Tamilnadu,
Rep. by Secretary to Government, Personnel &
Administrative Reforms (S) Department,
Secretariat, Chennai-9.
2. Government of Tamilnadu,
Rep. by Secretary to Government, Agriculture
Department, Secretariat, Chennai-9
3. The Director of Agriculture,
Chepauk, Chennai-5
4. The Additional Director of
Agriculture (PM) Chepauk, Chennai-5.
5. The Assistant Director of
Agriculture, Bhavani-1.

..Respondent(s)

WP No. 29774 of 2016



K.Yogamala

WP No. 11717 of 2016 & bc



..Petitioner(s)

Vs

1. The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Personnel & Administrative Reforms
Department, Secretariat, Chennai-9.
2. The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Handlooms, Handicrafts, Textiles & Khadi
Department, Secretariat, Chennai-600009.
3. The Chief Conservator of
Forest-cum-Director of Sericulture, (Previously
Commissioner of Sericulture)
Foulkes Compund,
Anaimeadu,
Salem-636 001.
4. The Joint Director of
Sericulture,
Salem District, Salem.

..Respondent(s)

WP No. 10774 of 2015

P.Baskara Dhas

..Petitioner(s)

Vs

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Personnel & Administrative Reforms (S) Dept.,
Fort St. George, Chennai-600009.
2. The Director General of Police
Mylapore, Chennai-600004.
3. The Additional Director General of Police,
Mylapore, Chennai-600004.



4. The Superintendent of Police,
Nagercoil, Kanyakumari District.

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..Respondent(s)

WP No. 26897 of 2014

K.Senthil Kumar

..Petitioner(s)

Vs

1. The Government of Tamilnadu
Represented by its Principal Secretary,
Labour and Employment Department,
Fort St.George, Chennai-9.
2. The Principal Secretary
Personnel and Administrative Reforms
Department, Fort St.George, Chennai- 9.
3. The Director of Employment
and Training, Chennai – 32.

..Respondent(s)

WP No. 2789 of 2015

K.Suthanthirarajan

..Petitioner(s)

Vs

1. The Principal Secretary
to Government, Personnel and Administrative
Reforms (S) Department, Secretariat,
Chennai-9.
2. The Principal Secretary to
Government, Home (Police-2) Department,
Secretariat, Chennai-9.

..Respondent(s)

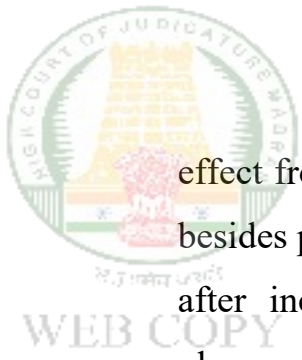
Prayer in W.P.No.11717 of 2016: Writ Petition filed under Article 226 of the



Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the first respondent herein G.O.Ms.No.22, Personnel and Administrative Reforms (S) Department, dated 24. 02.2014 amending General Rule 4 (a) for Tamil Nadu State and Subordinate Service and the order of the fourth Respondent herein passed in Pro.FSE2/166685/2008 dated 22.06.2009 and the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 Tamil Nadu Act No.14/2016 in so far as Section 7(1) Schedule XI, Part-A, Paragraphs II (11)(12)(13) (14) and (18) are concerned and quash the same and consequently declare the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 Tamil Nadu Act No.14/2016 in so far as Section 7(1) Schedule XI, Part-A Paragraphs II(11) (12)(13)(14) and (18) as nul and void the panel for promotion as Assistant seed Officer approved in Pro.FSE2/166685/2008/22.6.2009 in the appropriate place with due seniority and promote the petitioner as Assistant Seed Officer with retrospective effect from the date of promotion of his immediate and to include his name in the panel for Deputy Agricultural Officer with all consequential service and monetary benefits.

(Prayer amended as per order of this Court dated 14.11.2017 in WMP.No.18707 of 2017 in WP.No.11717 of 2016)

Prayer in W.P.No.10774 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the amended Rule 4(a) of the General Rules issued in G.O.Ms.No.22 P & AR Dept., dt. 24.02.2014, the 3rd Respondent proceedings made in C.No.A1/6811/2014/RO No.176/2014 dt. 31.10.2014 and the Tamil Nadu Government Servants (Condition of Service) Act 2016 Tamil Nadu Act No.14/2016 dt.15.09.2016 in so far as Section 7(1) Schedule XI, Part-A Paragraphs II (11), (12), (13), (14) and (18) are concerned as null and void, ultra vires of the Constitution of India and opposed to settled law and consequently giving advancement of the petitioner promotion as Assistant with



effect from May 1991 including his name in appropriate panel and placement, besides promoting the petitioner as Superintendent with effect from 25.06.2006 after including his name for the year 2005-2006 as S.No.388-A giving placement in between the names of S.No.388,Thiru.J.Vennal & S.No.389, Thiru.L.Rajamohan or in the appropriate earlier panel advancing from the panel for the year 2008-2009 apart from considering his name for further promotion as Administration Officer for the year 2014-15 including his appropriate placement in the said order of seniority with all monetary and service benefits.

(Prayer amended as per order of this Court dated 14.11.2017 in WMP.No.21675 of 2017 in WP.No.10774 of 2015)

Prayer in W.P.No.29774 of 2016: Writ petition filed under article 226 of Constitution of India for issuance of writ of Certiorarified Mandamus to Call for the records of the first respondent relating to (1) G.O.M.S.No.22, Personnel and Administrative Reforms(s) Department dated 24.02.2014 regarding amendments to Rule 4 (as of the General Rules for Tamil Nadu State and Subordinate Service to the limited extent of imposition of Check period of five years even after even after the expiry of the penalty and (2) Letter No.8730/G1/2015-4 dated 17.12.2015 of a second Respondent and (3) Respondent and (4) Proc.Na.Ka.No.4878/Pa.A2/2012 dated 16.05.2012 of the third respondent and (5) the Tamil Nadu Government Servants (Conditions of service) Act 2016 (Tamil nadu Act No.14/2016 dated 15.09.2016 in so far as section 7(1), Schedule XI-Part-A, Paragraphs II(11), (12)(13)(14) and (18) thereby, to quash the same and to declare that the Tamil Nadu Act No.14/2016 dated 15.09.2016 in so far as it relates section 7(1), Schedule XI, Part-A, Paragraph II(11)(12)(13)(14) and (18) as null and void and to direct the respondents 2 & 3 to include the petitioners name in the appropriate place in the approved panel for the post of Inspector of Sericulture for the year 2009-10 and grant all consequential benefits, include empanelment and promotion of



the petitioner to higher posts w.e.f. the date of such promotion of her immediate junior with all monetary benefits.

(Prayer amended as per order of this Court dated 14.11.2017 in WMP.No.18709 of 2017 in WP.No.29774 of 2016)

Prayer in W.P.No.26897 of 2014: Writ petition filed under article 226 of Constitution of India for issuance of writ of Certiorarified Mandamus by calling for the records relating to the second respondent herein in G.O.Ms.No.22 Personnel and Administrative Reforms(S) Department dated 24.2.2014 in Amending the rule 4(a) by substituting schedule VII in Part - A in paragraph II, (1-HH) is concerned and the G.O.(1D) No.332 Labour and Employment(N1) Department dated 24.7.2014 issued by the first respondent herein in so far as non inclusion of the petitioner is concerned in the promotional panel for the year 2013-14 for the promotion post of Assistant Director of Employment and the consequential letter of the first respondent herein in letter No.13183/N1/2014-9 dated 24.07.2014 intimating the non inclusion of the petitioner name in promotional panel and quash the same and consequently direct the first respondent herein to include the name of the petitioner in promotional panel and confer the promotion post of Assistant Director with due regards to petitioner seniority with all attendant and consequential benefits.

Prayer in W.P.No.2789 of 2015: Writ petition filed under article 226 of Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent herein in G.O.Ms.No.22 Personnel and Administrative Reforms (S) Department, dated 24.02.2014 amending General Rule 4(a) and the order of the second respondent herein passed in Letter No.92424/Pol.2/2013-3 dated 16.05.2014 and the Tamil Nadu Government Servants (Conditions of Service) Act 2016 Tamil Nadu Act No.14/2016 dated 15.09.2016 in so far as Section 7(1) Schedule XI, Part A Paragraphs II (11), (12), (13), (14) and (18) are concerned



and quash the same and consequently declare the Tamil Nadu Government Servants (Conditions of service) Act, 2016 Tamil Nadu Act No.14/2016 dated 15.09.2016 in so far as Section 7 (1) Schedule XI, Part-I, Paragraphs II(11) (12), (13), (14) and (18) as null and void and direct the second respondent herein to include the petitioners name in the panel of Inspectors of Police fit for appointment by recruitment by transfer as Deputy Superintendents of Police (Cat-1) from the date of promotion of juniors with all consequential service and monetary benefits.

(Prayer amended as per order of this Court dated 14.11.2017 in WMP.No.16185 of 2017 in WP.No.2789 of 2015)

W.P.No.	For petitioner	For respondents
11717 of 2016	Mr.S.Madhu Balaji for M/s.M.Ravi	Mr.V.Ravi Special Government Pleader (for R1 to R5)
10774 of 2015	Ms.Maria Joseph David for M/s.A.Amal Raj	Mr.V.Ravi Special Government Pleader (for R1 to R4)
29774 of 2016	Mr.S.Madhu Balaji for M/s.M.Ravi	Mr.V.Ravi Special Government Pleader (for R1 to R4)
26897 of 2014	Mr.R.S.Anandan	Mr.V.Ravi Special Government Pleader (for R1 to R3)
2789 of 2015	No appearance	Mr.V.Ravi Special Government Pleader (for R1 and R2)



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COMMON ORDER**(Order of the Court was made by Dr.Anita Sumanth J.)**

In W.P.Nos.11717 & 29774 of 2016, 26897 of 2014 and 2789 of 2015, the challenge is to G.O.Ms.No.22 Personnel Reforms (S) Department, dated 24.02.2014 and an order of the 4th respondent i.e. the Additional Director of Agricultural imposing a check period and deferring promotion on the basis of a censure of these petitioners.

2.Learned counsel appearing for petitioners circulate a copy of order dated 14.09.2016 passed in W.A.No.983 of 2015 and connected petitions petitions, wherein also the challenge was to the same Government Order. Dealing with the similar challenge, at paragraph 12, the Bench holds as follows:

'12.Therefore, it is clear that the impugned G.O. is with several ambiguities, based on which, the appellant herein and the writ petitioner are denied promotion, even after the expiry of currency of punishment on the ground of 'check period' or treating 'Censure' as an embargo for granting promotion. Hence, the impugned G.O., insofar as it suggests the 'check period' and treats the 'Censure' as an embargo for granting promotion, which was already condemned by a Full Bench of this court, cannot be maintained as a valid one. In view of the above, the order of the learned Single Judge passed in W.P.No.243 of 2015 is set aside and the impugned G.O. is quashed, insofar as it suggests the 'check period' and treats the 'Censure' as an embargo for granting promotion. The appellant and the writ petitioner shall be considered for promotion with retrospective effect, from the date when they became otherwise, eligible, within a period of three months



from the date of receipt of a copy of this judgment. The writ appeal and the writ petitions are disposed of accordingly. No costs. The connected miscellaneous petitions are closed.'

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3.Since G.O.No.22 of 2015 has been found to be rife with errors and ambiguities and was quashed in the aforesaid order, we apply the ratio of that order to the present matters as well. The G.O. is quashed qua imposition of a check period, and treating the punishment of 'censure' as an embargo for grant of promotion. W.P.Nos.11717 & 29774 of 2016, 26897 of 2014 and 2789 of 2015 are allowed in terms of this order.

4.As far as WP.No.10774 of 2015 is concerned, none appears for the petitioner. The challenge in this matter is to records of the third respondent i.e. Additional Director General of Police dated 12.01.2015, excluding the petitioner from the panel for promotion based on G.O.Ms.No.22 Personnel and Administrative Reforms (S) Department, dated 24.02.2014.

5.The aforesaid Government Order has been quashed in W.P.Nos.11717 & 29774 of 2016, 26897 of 2014 and 2789 of 2015, the operative portion of which reads as follows:

'12.Therefore, it is clear that the impugned G.O. is with several ambiguities, based on which, the appellant herein and the writ petitioner are denied promotion, even after the expiry of currency of punishment on the ground of 'check period' or treating 'Censure' as an embargo for granting promotion. Hence, the impugned G.O., insofar as it suggests the 'check period' and treats the 'Censure' as an embargo for granting promotion, which was already condemned by a Full Bench of this court, cannot be maintained as a valid one. In view of the above, the order of the learned Single Judge passed in



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W.P.No.243 of 2015 is set aside and the impugned G.O. is quashed, insofar as it suggests the 'check period' and treats the 'Censure' as an embargo for granting promotion. The appellant and the writ petitioner shall be considered for promotion with retrospective effect, from the date when they became otherwise, eligible, within a period of three months from the date of receipt of a copy of this judgment. The writ appeal and the writ petitions are disposed of accordingly. No costs. The connected miscellaneous petitions are closed.'

6.In light of the aforesaid and seeing as the G.O. has itself being quashed, the non-inclusion of the petitioner's name based on check period and punishment of censure is found to be erroneous. The respondents are directed to re-constitute the panel, having regard to the observations made under order dated 14.09.2016 and the present order.

7.Needless to say, and as the petitioner would not have worked in either the promotional post or subsequent posts, the promotions shall be taken to be notional, and shall be relevant solely for the purpose of fixation of seniority. We make it clear that the present order shall not disturb the seniority of others in the panel. We also make it clear that the petitioner is not entitled to monetary benefits including arrears of pay. W.P.No.10774 of 2015 is ordered in terms of this order. No costs. Connected miscellaneous petitions are closed.

(A.S.M.,J.) (M.S.K.,J.)
09-02-2026

vs

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

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1. The Secretary to Government,
Government of Tamilnadu,
Personnel & Administrative Reforms (S) Department,
Secretariat, Chennai-9.
2. The Secretary to Government,
Government of Tamilnadu,
Agriculture Department,
Secretariat, Chennai-9.
3. The Director of Agriculture,
Chepauk, Chennai-5.
4. The Additional Director of
Agriculture (PM),
Chepauk, Chennai-5.
5. The Assistant Director of
Agriculture, Bhavani-1.
6. The Principal Secretary to Government,
Government of Tamil Nadu
Personnel & Administrative Reforms Department, Secretariat, Chennai-9.
7. The Principal Secretary to Government,
Government of Tamil Nadu Handlooms, Handicrafts, Textiles & Khadi
Department, Secretariat, Chennai-9.
8. The Chief Conservator of
Forest-cum-Director of Sericulture (Previously Commissioner of
Sericulture) Foulkes Compund, Anaimeadu, Salem-636 001
9. The Joint Director of
Sericulture, Salem District, Salem.
10. The Director General of Police
Mylapore, Chennai-600004.
11. The Additional Director General of Police, Mylapore, Chennai-600004.



12. The Superintendent of Police,
Nagercoil, Kanyakumari District.

13. The Principal Secretary
Government of Tamilnadu
Labour and Employment Department,
Fort St. George, Chennai-9.

14. The Principal Secretary
Personnel and Administrative Reforms Department, Fort St. George,
Chennai- 9.

15. The Director of Employment
and Training, Chennai – 32.

16. The Principal Secretary to
Government, Home (Police-2) Department,
Secretariat, Chennai-9.



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WP No. 11717 of 2016 & bc



**DR.ANITA SUMANTH J.
AND
MUMMINENI SUDHEER KUMAR J.**

VS

**W.P.Nos.11717 and 29774 of 2016,
10774 and 2789 of 2015 and 26897 of 2014 and
WMP.Nos.10137, 25761 and 10138 of 2016
and 18708 and 18710 of 2017**

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