2026:MHC:4520

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Order QR



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 11-11-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

Case QR

**WP No. 20554 of 2023**
CNR:{HCMA010790622023}
**AND**
**WMP Nos. 19937 & 19938 of 2023**

K. Vijhay Saai
S/o. Krishnasamy Mudaliar,
Superintendent, Tambaram Zone,
Chennai - 47.

..Petitioner(s)

Vs

1. The Government Of Tamil Nadu
   Represented By Secretary To Government,
   Revenue Department, Secretariat,
   Chennai - 9.
2. The Government Of Tamil Nadu,
   Represented By Secretary To Government,
   Public(special-a) Department, Secretariat,
   Chennai - 9.
3. The Commissioner Of Revenue Administration,
   Chepauk, Chennai - 600 005.
4. The Commissioner Of Civil Supplies,
   Chepauk, Chennai - 600 005.
5. The District Collector,
   Pudukottai District, Pudukottai.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, calling for the records on the file of the First Respondent herein in G.O. Ms. No.180 Revenue and Disaster Management



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Department Services Wing (SVR.3(2)) Section dated 14/06/2019 as well as the NIL Panel drawn by the Selecting Authority dated 01.04.2011 and quash the same and consequently include the name of the Petitioner in the city list of Deputy Tahsildar for the year 2005 panel and consequently promote him as Deputy Tahsildar with effect from the date of promotion of his immediate junior i.e. 2005 and grant him all consequential promotion to the next higher post of Tahsildar with effect from 19.11.2008 and Deputy Collector or the year 2011-2012 with effect from 23.07.2012 and District Revenue Officer or the Year 2017 with effect from 02.02.2018 and to grant him all consequential service and monetary benefits within limited time as deem fit by this Hon'ble Court.

For Petitioner(s): Mr.M.Ravi

For Respondent(s): Mr.V.Jeevasiridharan
Additional Govt. Pleader For R1 To R5

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**ORDER**

This Writ Petition has been filed challenging the G.O.Ms.No.180 Revenue and Disaster Management Department Services Wing (SVR.3(2)) Section dated 14/06/2019 passed by the first respondent as well as the NIL Panel drawn by the Selecting Authority dated 01.04.2011.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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3.The learned counsel for the petitioner would contend that the petitioner is eligible to be promoted as Deputy Tahsildar even during 2005. However, on account of the pendency of the charge memorandum dated 06.06.2008, his name was not included. Hence, he filed a Writ Petition against the above charge memorandum in WP.No.22369 of 2009, wherein this Court vide order dated 16.12.2009 has quashed the said charge memorandum. Therefore, it is his submission that the only obstacle for him to be included in 2005 panel was the charge memo dated 06.06.2008, which was subsequently quashed. Therefore, the learned counsel would seek inclusion of his name as per 2005 panel and seeking for a consequential benefits viz., promotion.

4.The said contention was stoutly objected by the learned Additional Government Pleader and he would contend that since Civil Supplies Department initially sent a NIL Panel on 04.03.2011 and subsequently sent a report stating that Thiru.K.Vijhay Saai, though qualified for the post was not recommended due to pendency of charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the charge memo dated 06.06.2008 has been dropped only during 13.12.2018. Though the Department has sent a report for issuing appropriate orders on the petition given by the petitioner on 09.10.2012, the Government has rejected the petitioner’s request.



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He would further contend that from 2008 to till date, two more charges under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules are still pending against the petitioner. It is the further contention that the 17(b) charges bar the inclusion of the petitioner in the panel for promotion. Hence, prayed to dismiss the present Writ Petition.

5.I have given my anxious consideration to either side submissions.

6.The main ground urged by the petitioner is that, the petitioner is eligible to be considered for promotion as per 2005 panel, and that the petitioner was the only eligible person. However, on account of pendency of the charge memo, no panel was prepared. According to the petitioner, since the charge memo was subsequently quashed, he became entitled to be considered for 2005 panel. Though such submission appears to be attractive, while considering the respondent's stand, they did not have any panel and it was only a NIL panel as per the communication dated 01.04.2011. Though the learned counsel for the petitioner would state that one junior has been promoted before him, it appears that he is not from the very same District, but from a different district.

7.Coming to the seniority of Deputy Tahsildar, it must be construed based upon District wise seniority, and that the petitioner cannot rely upon any seniority with reference to the other Districts. Admittedly, the Department in



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which the petitioner was working had sent a NIL panel. Though subsequently the charge was dropped in a writ proceedings in WP.No.22369 of 2009, the same will in no way entail him to have a promotion in accordance with 2005 panel. If really there had been any panel prepared during 2005 and any juniors had been promoted, then as rightly contended by the learned counsel for the petitioner, the petitioner is entitled to have a promotion as prayed. Whereas in the case in hand, the respondent-Authority did not prepare any panel and in fact, it was a NIL Panel. Since there was a NIL panel and no juniors to the petitioner was considered for promotion, considering the petitioner for promotion in 2005 panel does not arise.

8.It is well settled principle of law that the promotion is not a matter of right. Whereas the consideration for promotion is a matter of right. However, in the case in hand, since there was no panel for the year 2005, the question of consideration did not arise at all. Furthermore, no juniors were promoted overlooking the petitioner. Therefore, the petitioner cannot find any infirmity in the impugned order. Though the learned counsel for the petitioner relied upon the oft-quoted judgment in ***Delhi Jal Board Vs. Mahinder Singh*** reported in ***2000 Supp(3) SCR 69,*** the same is distinguishable in which a panel was prepared. But, in the above reported case, on account of pendency of charge



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memo, the promotion was deferred. In the case in hand, as already stated, admittedly no panel was prepared.

9.Apart from that, ***Delhi Jal Board*** case [cited supra] is based upon the Delhi Rule, whereas we are governed by the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, in which Section 7(1) deals about "**Approved candidates"** and II of Section 7(5) deals about the **"Preparation of Panel (For Promotion)".** In which under the heading "CONSIDERATION OF PUNISHMENTS AND CHARGES", the Rule mandates that, on the date of consideration of Panel, if there is any pendency of charge the same must also be taken into consideration. The charge under Section 17(b) become bar for inclusion of his name in the approved list. In the case in hand, admittedly on the date of preparation of second panel, there was 17(b) charges pending against this petitioner. Therefore, the very contention raised by the learned counsel for the petitioner relying upon the ***Delhi Jal Board*** judgment is misconceived.

10.Apart from that, it is relevant to mention that the petitioner had preferred the writ petition in WP.No.20103 of 2014, wherein this Court, vide order dated 11.04.2023 directed the respondents to consider the petitioner in the post of an Administrative Officer. Whereas, in the said writ petition having right to claim the present relief, the petitioner has not at all sought for the same.



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Therefore, notwithstanding the merits of the matter, the present writ petition is also liable to be dismissed as the same is hit by Order II Rule 2 of CPC.

11.Accordingly, the present Writ Petition stands dismissed. No costs. Consequently, connected WMPs are also closed.

**11-11-2026**

Index: Yes
Speaking order
Neutral Citation: Yes

*KMI*

To

1. The Secretary To Government
   Government Of Tamil Nadu
   Revenue Department, Secretariat, Chennai - 9.
2. The Secretary To Government
   Government Of Tamil Nadu,
   Public(Special-A) Department,
   Secretariat, Chennai - 9.
3. The Commissioner Of Revenue Administration,
   Chepauk, Chennai - 600 005.
4. The Commissioner Of Civil Supplies,
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***C.KUMARAPPAN J.***

***KMI***

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