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WP No. 38137 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

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THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WP No. 38137 of 2016
and W.M.P.No.32678 of 2016**

K.Sasidaran
Fisheries Overseer Grade II (Retired) No.5/146,
Thiruvalluvar Nagar, 2nd Cross, Krishnagiri

..Petitioner(s)

Vs

1. The State of Tamilnadu
rep. by its Secretary to Government, Animal
Husbandry, Diary and Fisheries Department,
Fort St. George, Chennai-9.
2. The Commissioner of
Fisheries, Teynampet, Chennai-6
3. The Deputy Director of
Fisheries (Regional) O/o. The Assistant
Director of Fisheries, Dharmapuri.

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in R.C.No.16306/M4/2008 dated 23.12.2015 and quash the same and consequently, to direct the respondents to include the name of the petitioner in the panel of Fisheries Overseer Grade I and promote the petitioner from the date on which his immediate junior was given promotion and settle all the attendant benefits to the petitioner.

For Petitioner(s): Mr.S.M.Sivavarthanan

For Respondent(s): Mr.P.Muthu kumar, Additional Advocate General
assisted by Mr.S.John J.Raja Singh, AGP



ORDER

This Writ Petition has been filed seeking quashment of the proceedings of the second respondent dated 23.12.2015 in R.C.No.16306/M4/2008 and consequently, to direct the respondents to include the name of the petitioner in the panel drawn for the year 2002 for the post of Fisheries Overseer Grade I and to promote him from the date on which his immediate junior was promoted, with all attendant benefits.

2. The learned counsel for the petitioner submitted that the petitioner was initially appointed as a Fisherman in the Fisheries Department and was subsequently, promoted as Fisheries Overseer Grade-II in the year 2002 by the second respondent. He became eligible for further promotion to the post of Fisheries Overseer Grade-I. While so, the first respondent, by proceedings dated 28.01.2008, directed the Tribunal for Disciplinary Proceedings, Coimbatore, to enquire into the charges framed against the petitioner and one Mr. K.G. Thennavannan Brammarayan, the then Inspector of Fisheries. Pursuant thereto, the Tribunal, by proceedings dated 26.08.2009, had framed charges against them and a charge memorandum was served to the delinquents on 27.10.2009. After completion of the enquiry, the Tribunal submitted its report dated 26.06.2014 to the second respondent for taking action in accordance with Rule 10(b) of the Tamil Nadu Civil Services (Disciplinary



Proceedings Tribunal) Rules, 1955. By that time, the petitioner was due to retire on 31.08.2014 upon attaining the age of superannuation. However, the third respondent, by proceedings dated 28.08.2014, retained the petitioner in service and did not permit him to retire on attaining the age of superannuation, though the competent authority, had neither passed any order of suspension nor validly retained him in service in accordance with law. Thereafter, the enquiry report was served on the petitioner through a memorandum dated 13.02.2015. The Tribunal held that the second charge was not proved and the first charge was only partly proved. The petitioner submitted his explanation on 20.03.2015. However, without proper consideration of the same, the second respondent issued an order of censure by proceedings dated 06.07.2015. Subsequently, the petitioner was permitted to retire by proceedings dated 20.07.2015. It is the specific case of the petitioner that his name ought to have been included in the panel drawn for the year 2002 for promotion to the post of Fisheries Overseer Grade-I with effect from 01.05.2008. However, his junior was promoted by proceedings dated 29.09.2010. The petitioner made a representation dated 26.09.2015 seeking inclusion of his name in the promotion panel and grant all consequential monetary benefits, followed by a reminder dated 16.11.2015. The second respondent, by impugned proceedings dated 23.12.2015, rejected the petitioner's request on the ground that the punishment of censure had been imposed. Hence, the impugned proceeding is arbitrary, illegal and contrary to the guidelines and therefore, liable to be set aside.



3. Per contra, the learned Additional Advocate General appearing for the respondents would respectfully submit that the petitioner was initially appointed as Fishery Assistant and subsequently, promoted to the post of Fishery Overseer Grade-II. During his service, a surprise inspection was conducted by the Director of Vigilance and Anti-Corruption along with District Cell Officer on 21.12.2005, during which unaccounted money was recovered from him. Consequent to the same, disciplinary proceedings were initiated and referred to the Tribunal for Disciplinary Proceedings, Coimbatore. He would further submit that the enquiry was conducted as per rules and after considering the petitioner's explanation, the final orders were passed. Since the disciplinary proceedings were pending on the crucial date for promotion, the petitioner's name could not be included in the promotion panel under the applicable Government Orders and service rules. The learned Additional Advocate General would further contend that retaining the petitioner in service beyond superannuation was lawful under Rule 56(1)(c) of the Fundamental Rules, until the date of termination of disciplinary proceedings. Further, the respondents submitted that the promotional panel for Fisheries Overseer Grade I for 2008-09 was drawn only on 29.09.2010, due to administrative reasons. As the disciplinary case was pending then, the petitioner was rightly excluded. Hence, he sought for dismissal of this petition.



4. This Court has carefully considered the rival submissions and perused the materials placed on record.

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5. This Court holds that the rejection of the petitioner's promotion was not justified and found that the impugned order is unsustainable in law. It is to be noted that the petitioner had already attained the eligibility for promotion however, the disciplinary proceedings ultimately resulted only in a minor punishment of censure, with one charge not proved and the other one partly proved. This Court is of the view that such a minor penalty could not be a valid ground to completely deny the petitioner's rightful consideration for promotion, especially when his junior had already been promoted earlier. It emphasized that the petitioner's claim ought to have been fairly considered in accordance with the applicable rules and service law principles.

6. Accordingly, this Court sets aside the impugned proceedings of the second respondent dated 23.12.2015 and directs the respondents to reconsider the petitioner's case for promotion from the date on which his junior was promoted. The respondents are also directed to give notional promotion along with all consequential service and monetary benefits to the petitioner, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



7. In the result, this Writ Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

10-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VKR

To

- 1.The Secretary to Government,
Animal Husbandry, Diary and Fisheries Department,
Fort St. George, Chennai-9.
- 2.The Commissioner of Fisheries,
Teynampet, Chennai-6.
- 3.The Deputy Director of Fisheries (Regional),
O/o. The Assistant Director of Fisheries,
Dharmapuri.



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N.SENTHILKUMAR, J.

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