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WP No. 17429 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

W.P. No. 17429 of 2024

and W.M.P.No.19215 and 19216 of 2024

A.Sundaraganesan,
S/o. Ayyamperumal, Superintendnet, Regional
Transport Office, Tambaram, Chennai -76.

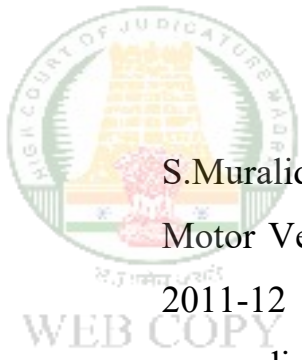
..Petitioner(s)

Vs

1. The Principal Secretary to Government,
Home (Transport-II) Department,
Fort St. George, Chennai -9.
2. The Commissioner of Transport,
Ezhilagam, Chepauk, Chennai -600 005.
3. The Joint Commissioner of Transport,
Chennai (North) Zone, Chennai -600 102.

..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in connection with the impugned proceedings in order No. 16811/RA1/2023 (PR 157/2024) dated 13.3.24 and quash the same and direct the respondents to revise the seniority of the petitioner in the cadre of Superintendent in the panel of the year 2007-08 at par with his junior



S.Muralidharan and further direct the respondents to promote the petitioner as Motor Vehicle inspector (NT) by including his name in the panel for the year 2011-12 at par with his junior without referring to the pending disciplinary proceedings initiated by the 3rd respondent in his memo No. 258/A2/2023 dated 20.04.2023.

For Petitioner(s): Mr.K.Venkataramani, Senior Counsel
for Mr.M.Muthappan

For Respondent(s): Mr. R. U. Dinesh Raj Kumar
Additional Government Pleader

ORDER

The Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in connection with the impugned proceedings in order No. 16811/RA1/2023 (PR 157/2024) dated 13.03.2024 and to quash the same, and consequently direct the respondents to revise the seniority of the petitioner in the cadre of Superintendent for the panel year 2007-08 at par with his junior S.Muralidharan and further direct the respondents to promote the petitioner as Motor Vehicle inspector(NT) by including his name in the panel for the year 2011-2012 at par with his junior without referring to the pending disciplinary proceedings initiated by the 3rd respondent in his memo No. 258/A2/2023 dated 20.04.2023.



2. The brief facts are as follows:-

2.1. The petitioner was appointed as a Junior Assistant in the Transport Department by the process of selection conducted by Tamil Nadu Public Service Commissioner (TNPSC) Group-IV. The petitioner successfully completed his probation and become a full member of the service. Thereafter, he was promoted as an Assistant by including his name in the panel for the year 1997-1998 and joined the promoted post on 18.08.1998. The petitioner became due for promotion as Superintendent by inclusion of his name in the panel for the year 2007-2008 on par with his junior Muralidharan. However, his promotion was withheld on account of disciplinary proceedings initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on 23.08.2007, along with another disciplinary proceedings in TDP Case No.50/2007.

2.2. The said disciplinary proceedings were later quashed by this Court in W.P.No.30999 of 2013 by order dated 02.07.2018 and the punishment of “stoppage of increment for a period of two years without cumulative effect” was cancelled. Further, the TDP proceedings were dropped by Government Order dated 30.12.2022.



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2.3 On his representation, the petitioner was promoted as Superintendent vide order dated 05.12.2022 passed by the 2nd respondent by including his name in the panel for the year 2008-2009 instead of 2007-2008. Aggrieved by the same, the petitioner submitted a representation dated 20.04.2023 seeking revision of seniority and promotion on par with his junior in the cadre of Superintendent as well as Motor Vehicle Inspector. However, the said request was rejected by the impugned order dated 13.03.2024. Aggrieved by the same, the petitioner has approached this Court.

3. The respondents have filed counter affidavit *inter alia* contending that the disciplinary action was initiated against the petitioner and charges were framed under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules vide Government Letter dated 23.08.2007. For the proved charges, the petitioner was imposed with the punishment of “stoppage of increment for a period of four years with cumulative effect”. Aggrieved by the same, the petitioner filed W.P.No.30999 of 2013 and the Writ Petition was allowed by order dated 02.07.2018 with a direction to the respondents to consider and grant promotion to the petitioner to the higher post at the appropriate time. Consequently, the petitioner’s name has been included in the panel for promotion by restoring his senior for the year 2008-2009.



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4. The respondents would submit that the petitioner cannot be considered for promotion for the post of Superintendent for the year 2007-2008 since the service qualification for the post of Superintendent as prescribed under Rule 30(b) of the Special Rules for Tamil Nadu Ministerial Service requires that the candidate should have two years' experience as Assistant in the Offices of the State Transport Authority or State Transport Appellate Tribunal or Joint Transport Commissioner or Deputy Transport Commissioner or Assistant Accounts Officer (Internal Audit Wing) and one year's experience as Accountant in any of the Offices of Regional Transport Officer of the Transport Department.

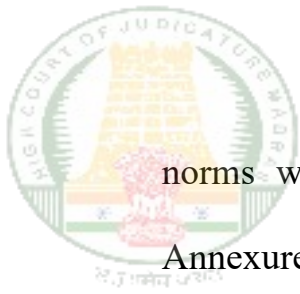
5. The respondents further contended that the writ petitioner has completed the Accountant norms on 31.07.2004 and the Assistant norms on 08.05.2007. Therefore, he had not completed the prescribed service qualification on the crucial date namely., 15.03.2007 and hence, the petitioner's name was not considered. It is further submitted that where Rules prescribe eligibility conditions for promotion, the same must be strictly complied with. Hence, Therefore, they prayed for dismissal of the Writ Petition.



6. A rejoinder has been filed by the petitioner. The petitioner submits that the completion of norms cannot be put against him for the sole reason that though he was promoted as Assistant in the year 1997-1998, he was not given an opportunity to service in the post of Assistant till the year 2007. The petitioner further submits that his date of appointment is 12.10.1994 whereas others, namely, Saravanakumar, Dhanapal, Thenmozhi and Muralidharan, are juniors to him. Further, the proceedings dated 04.05.2007 clearly indicate that the petitioner had completed norms post on 04.05.2007 along with his juniors. Therefore, he submits that when Saravanakumar was given promotion in the temporary panel for the year 2007-2008 for the post of Superintendent, his claim ought to have been considered, particularly after the dropping of the disciplinary proceedings. Hence, he is entitled to promotion in the panel year 2007-2008.

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

8. The documents perused would indicate that in the proceedings of the second respondent dated 04.05.2007 in R.No.9671/R3/2007, transfers and postings in the category of Assistants on completion of two years'



norms were ordered, and the names of the persons were included in the Annexure thereto. The petitioner's name appears at Serial No.45. This clearly establishes that the petitioner had completed the required two years' norms.

9. Further, the first charge memo was issued on 23.08.2007 and the second charge memo was issued on 19.03.2012. As on the crucial date for the panel for the year 2007-2008, no disciplinary proceedings were pending against the petitioner. Therefore, he was qualified to be included in the panel for the year 2007-2008.

10. On account of the disciplinary proceedings, the petitioner could not be promoted. However, the disciplinary proceedings have been quashed by this Court by order dated 02.07.2018 in W.P.No.30999 of 2013 and in respect of the TDP Case, the Government had also issued orders dropping action dated 30.03.2022. In view of such exoneration, the petitioner is entitled to be considered for the panel for the year 2007-2008.



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11. Further, with regard to the issue of completion of norms, the respondents themselves, in their proceedings dated 04.05.2007 have acknowledged that the petitioner had completed the required norms. The relevant portion of the said order reads as follows:-

“The Transfers and postings in the category of Assistants on completion of Two years Norms at STA/STAT/JTC/DTC’s/AAO’s are ordered vide Annexure to this proceedings as per G.O.cited.

2) The officers concerned are requested to relieve the individuals immediately on receipt of this order without waiting for substitutes and to instruct the individuals to join duty in the new station at once. Any failure in this regard will be viewed very seriously and they will be held responsible for the consequences. The concerned Assistants are instructed to join in the new stations immediately failing which Disciplinary action will be taken against them.”

12. That apart, a Coordinate Bench of this Court, in an unreported judgment in W.P.(MD) No.23155 of 2015 has considered a similar issue relating to deficiency in service qualification and held that such deficiency cannot be put against an employee when the delay is attributable to the department. The learned Judge after relying upon various judgments of this Court and the judgments of the Hon’ble Supreme Court with reference to denial of promotion for want of service qualification held as follows:-



18. Where it has been stated that the service qualification cannot be put as against the petitioners, delay in sending the Government employee for training in Bhavani Sagar training, Junior Assistant training, Survey and Settlement training, Rural Welfare Officer training cannot be put as against the employees because the training center / vacancy has limited number of seats / vacancy and the candidates are send according to their seniority. Therefore, this Court is of the considered opinion that the delay in sending the petitioners for the training cannot be put against the petitioners and the petitioners are entitled to be considered for the panel in the year 2012.

19. The respondents submitted that the respondents after considering the availability of candidates have already declared "Nil" panel and no juniors were granted any promotion and hence the petitioners are not affected. But such an argument cannot be accepted, since the respondents have erred in not sending the petitioners for training at appropriate time. Moreover service qualification cannot be put against the petitioners. If that is so, then the preparation of "Nil" panel is erroneous. As on the crucial date the petitioners have already qualified except the service qualification. Therefore this Court is of the considered opinion that the "Nil" panel is erroneous and the petitioners are entitled to be considered for the year 2012 itself.

13. The learned Judge has also relied upon the judgment of the Hon'ble Supreme Court in the case of ***Vijayawada Guntur Tenali Urban Development Authority and Others Vs. Movva Ranga Rao and Others*** reported in **1996 (8) SCC 671** and has extracted the following paragraph:-



“The Government servant cannot be denied promotion for want of service qualification, if he was not given a chance to acquire the service qualification by the department head. As the department is bound to place the government servant in a particular post, to acquire the service qualification, the officer / employee cannot be blamed for not possessing such service qualification. The department head failed to adhere to the direction issued in the above government letter dated 11.01.2000.”

14. Therefore, in the light of the aforesaid discussions, the impugned order has been passed without proper application of mind by the respondents, who have failed to go through the entire records.

15. Accordingly, this Writ Petition stands allowed as prayed for. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

16-04-2026

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No

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