



WEB COPY

WP No. 17565 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

**WP No. 17565 of 2020 and
WMP No.21772 of 2020**

K.C.Govindaraj
(Assistant Engineer,
Panchayat Union, Udhagamandalam),
No.227 A, Blue Way Lane,
Finger Post, Udhagamandalam,
The Nilgiris, 641 003.

Petitioner

Vs

1. The Additional Chief Secretary
to the Government of Tamilnadu,
Rural Development and Panchayat Raj
(E3) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director of Rural Development
and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.

3.S.Pragalathan
Assistant Executive Engineer,
Roads and Bridges,
Rural Development Agency,
Collectorate, Dindigul - 624 004.

Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India,
seeking to issue a Writ of Certiorarified Mandamus, calling for the records
relating to the proceedings of the Additional Chief Secretary to the Government,



Rural Development and Panchayat Raj Department, the first respondent herein made in Government letter No.9981/E3/2018-1, dated 30.05.2018 in so far as the petitioner is concerned, quash the same and direct the respondent 1 and 2 herein to the effect that the petitioner is deemed to have been promoted to the post of Assistant Executive Engineer in Rural Development Department with effect from the date on which the third respondent herein came to be promoted will all consequential service, monetary and attendant benefits with continuity of service and due seniority in its appropriate place in the post of Assistant Executive Engineer above the third respondent herein and disburse all the accrued monetary arrears and service benefits therein within a short date that may be fixed by this Court.

For Petitioner: Mr.K.Rajkumar

For Respondents: Mr.L.S.M.Hasan Fizal,
Additional Government Pleader
for R1 and R2

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the records.

2. The petitioner by the present writ petition has assailed the action of the respondents in not including the name of the petitioner for being promoted to the post of Assistant Executive Engineer for the panel years 2017-2018 on par with the third respondent.



3. It is the further case of the petitioner that the crucial date for preparing the panel is April of every year; that on the crucial date, there was no disciplinary proceedings wherein a charge memo has been issued under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 (for short D & A Rules, 1955) for the respondents for not to consider the inclusion of the petitioner's name in the panel for promotion to the post of Assistant Engineer.

4. The petitioner further contends that mere issuance of the charge memo under Rule 17(a) of D & A Rules, 1955, or any orders passed thereunder, cannot act as a bar for being included in the panel for promotion to the post of Assistant Executive Engineer.

5. It is the further contention of the petitioner that though the District Collector has passed an order on 23.11.2016, visiting him with punishment / penalty under Rule 17(a) of D & A Rules, 1955 by awarding punishment of cutting of increment for six months without cumulative effect, the said order was set aside on appeal by the Appellate Authority i.e., the Director, Rural Development, Chennai, dated 31.10.2018 and as such on the crucial date i.e., April, 2017, there was no proceedings / charge memo or the criminal case pending against, for the respondents not to include his name in the panel for promotion.



6. Counter affidavit on behalf of the respondents is filed.

WEB COPY

7. On behalf of the respondents, it is contended that though the crucial date for preparing the panel is 14th of April every year, as on the date of the preparation of panel for the year 2017-2018, since the petitioner was facing charges under Rule 17(a) of D & A Rules, 1955, the petitioner's name was not considered for being included in the panel for promotion to the post of Assistant Engineer.

8. On behalf of the respondents, it is further contended that since, the order dated 23.11.2016 by which the petitioner was visited with penalty, was set aside in appeal vide order dated 31.10.2018, the respondents have granted notional promotion to the petitioner by including his name in the panel for the year 2015-2016 and reversed by revising the panel of the Assistant Engineer in the year 2015-2016.

9. On behalf of the respondents, it is also contended that since junior to the petitioner was promoted to the post of Assistant Executive Engineer on 01.09.2016, the petitioner whose seniority is fixed at Serial No.18 has been granted notional promotion on the said date.



10. On behalf of the respondents, by submitting as above, has placed before this Court a copy of proceedings of the District Collector, Coimbatore issued vide Na.Ka.No.4678/2024/K2(2/2), dated 16.09.2025.

11. On behalf of the respondents, the learned Additional Government Pleader would submit that the respondents have granted notional promotion to the petitioner with effect from 01.09.2016 for the post of Assistant Executive Engineer.

12. On behalf of the respondents, it is further contended that since the petitioner did not join the service on 01.09.2016, the respondents Authority have granted monetary benefits only from the date of actual assumption of charge i.e., 16.03.2024 and hence, the petitioner cannot seek for granting monetary benefit from the date when his junior was promoted to the post of Assistant Executive Engineer.

13. I have taken note of the respective contentions made by the learned counsel on either side.

14. The inclusion and exclusion of the name of the employee in any panel for promotion, is based on the crucial date and not on the date of preparation of panel.



15. Rule 7 r/w. Sub-clause 5 of Clause II in Part (A) of Schedule 11 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (in short, Act, 2016) provides for the method of consideration for inclusion or exclusion of the employee for being included in the panel for promotion. Sub clause 5 of Clause II reads as under:

“5. Mere filing of cases in Courts by the appropriate Investigating Authority against a member of service, shall not be a bar for inclusion of his name in the approved list. If specific charges are framed or charge sheet has been filed in the criminal case on the crucial date his name shall not be considered for inclusion in the approved list.”

16. Since, in the facts of the preset case, there is no dispute that on the crucial date there was no charge memo pending against the petitioner, nor any criminal case is pending wherein a charge sheet has been filed. Further, the respondents admitting to the said fact having considered the petitioner as eligible to be granted promotion to the post of Assistant Executive Engineer in the panel for the year 2015-2016, and also taking note of all the facts that the junior to the petitioner was promoted on 01.09.2016, granted notional promotion from the said date, it is to be noted that it is on account of the exclusion by the respondents from including the name of the petitioner in the panel year though he was eligible on the crucial date the petitioner was denied



promotion when junior to petitioner was promoted to the post of Assistant Executive Engineer with effect from 01.09.2016.

WEB COPY

17. Thus, this Court is of the view that the respondents cannot claim that the petitioner would be eligible for monetary benefit only from the date of actual joining i.e., 16.03.2024, (the date of actual assumption of charges from the promoted post). It is for the respondents to consider and grant promotion to its employee like the petitioner who was excluded from being granted promotion on the crucial date or when his junior was promoted to the post of Assistant Executive Engineer.

18. It is a settled position of law that if an employee is deprived of promotion for no fault of his, the respondent cannot seek to invoke a principle of no work no pay to deny him the monetary benefits, in the case of ***State of Uttar Pradesh Vs. Dayanand Chakrawarty (2013) 7 SCC 595, North Delhi Municipal Corporaiton Vs. Ram Naresh Sharma (2021) 17 SCC 642***

19. As noted herein above in the facts of the present case, as the petitioner was denied promotion on account of the action of the respondents by not including his name in the panel in the year 2015 -2016 even though there was no charges pending against him on the crucial date or any criminal case registered wherein the charge sheet has been filed as required in Sub Clause (5)



of Clause II in Part A of Schedule 11 of Act, 2016, notwithstanding the fact that the respondents have granted notional promotion to the petitioner with effect from 01.09.2016, the respondent cannot deny the monetary benefits attached to promotional post.

20. In view of the above, Writ Petition is allowed. The respondents are directed to grant monetary benefits due to the petitioner with effect from the date on which the notional promotion is granted and disburse the same within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

10-03-2026

vum

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1.The Additional Chief Secretary
to the Government of Tamilnadu, Rural
Development and Panchayat Raj, E3
Department, Secretariat, Fort St.
George, Chennai - 9

2.The Director of Rural Development
and Panchayat Raj Department, Panagal
Building, Saidapet, Chennai -15



WEB COPY

WP No. 17565 of 2



T.VINOD KUMAR J.

vum

**WP No. 17565 of 2020 and
WMP No.21772 of 2020**

10-03-2026