



W.P. Nos.28597 and 28540 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. Nos.28597 and 28540 of 2025

and

W.M.P. Nos.32018, 32019, 32021, 31948, 31950 and 31951 of 2025

G. Sathishkumar
Deputy Block Development Officer
(Audit)

Pennagaram Panchayat Union
Dharmapuri District 636 810.

...

Petitioner in both W.P.s

Vs

1. State of Tamil Nadu
Rep. by its Secretary
Rural Development and Panchayat Raj Department
Fort St. George
Chennai.

2. The Director
Rural Development and Panchayat Raj Department
Panagal Maligai, Saidapet
Chennai.

3. The District Collector
Dharmapuri District.

...

Respondents in
W.P. No.28597 of 2025



W.P. Nos.28597 and 28540 of 2025

1. State of Tamil Nadu
rep. By its Secretary
Rural Development and Panchayat raj Department
Fort St. George
Chennai.
2. The Director
Rural Development and Panchayat Raj Department
Panagal Maligai, Saidapet
Chennai.
3. The District Collector
Dharmapuri District.
4. G. Kumaresan
Deputy Block Development Officer (General)
Palacode
Dharmapuri District 636 808.

... Respondents
in W.P. No.28540 of 2025

Prayer in W.P. No.28597 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in Na.Ka.23023/2024/DPC 2.2 dated 30/9/2024 and consequential approved name panel list issued by the third respondent in Na.K.No.3387/2025/K1 dated 17/3/2025 and quash the same as arbitrary and against the principles of natural justice and consequently, direct the respondents to promote the petitioner to the post of Block Development Officer when his immediate junior promoted to the post of Block Development Officer.



W.P. Nos.28597 and 28540 of 2025

Prayer in W.P. No.28540 of 2025: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned revised seniority lists in the cadre of Deputy Block Development Officer issued by the third respondent in Na.Ka.No.127/2023/K2, dated 8/8/2023 and in Na.Ka.No.389/2025/K2 dated 29/4/2025 for the year 2023 & 2025 and quash the same as far as placing the petitioner's seniority in the light of order in Na.Ka.No.12585/2006/K3 dated 30/6/2006 passed by the third respondent and for a direction to the respondents to promote the petitioner notionally on par with his juniors as Assistant on 8/2/2007 and Deputy Block Development Officer on 16/6/2015 and further promotions and to fix the pay and allowances and all monetary benefits on par with his juniors.

In both W.P.s

For Petitioner

: Mr.K. Venkatramani
Senior Counsel
for Mr.P.Nethaji

For Respondents

: Mrs. Dakshayini Reddy
Senior Counsel
for Mr. R.U. Dinesh Rajkumar
Addl. Govt. Pleader for R1 - R3

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COMMON ORDER

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Since the issues involved in both the writ petitions are interconnected and arise out of the same set of facts relating to disciplinary proceedings, seniority and promotion, they are taken up together and disposed of by this common order.

2. Facts in brief :-

a) The petitioner's father, who was working as Assistant in Harur Panchayat Union, Dharmapuri District, died in harness on 05.09.1992. The petitioner was appointed as Junior Assistant on compassionate grounds on 13.02.2002. His services were subsequently regularised retrospectively and his probation was declared. He had passed the Departmental Test on 29.04.2004.

b) According to the petitioner, though he was eligible for inclusion in the panel for promotion to the post of Assistant as on 01.03.2006, his name was not included. His junior, Mr. R. Raman, was promoted as Assistant on 08.02.2007, whereas the petitioner was promoted only on 23.06.2010. Aggrieved, he approached this Court in W.P. No.34855 of 2015 and, by order dated 30.10.2015, this Court directed consideration of his representation. Pursuant thereto, by proceedings dated 13.01.2016, the District Collector



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revised his seniority by placing him above Mr. R. Raman in the cadre of Assistant and consequently in the cadre of Deputy Block Development Officer.

c) The petitioner was promoted as Deputy Block Development Officer on 04.03.2016. While serving in that capacity, he was transferred from Morappur Panchayat Union to Pappireddipatti Panchayat Union and joined duty on 14.06.2016.

d) Subsequently, a charge memo dated 02.11.2016 was issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules alleging non-production of records relating to works executed under the Mahatma Gandhi National Rural Employment Guarantee Scheme during a special audit.

e) After enquiry, the 3rd respondent imposed punishment of stoppage of increment for three months without cumulative effect on the petitioner vide order dated 31.10.2023. Subsequently, he filed appeal before the appellate authority and the 2nd respondent/appellate authority modified the punishment to one of “Censure” by order dated 30.09.2024. Aggrieved by the punishment and its impact on his seniority and promotional prospects, the present writ petitions have been filed.



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f) Insofar as W.P. No.28540 of 2025, the petitioner challenges the rejection orders dated 08.08.2023 and 29.04.2025 passed by the 3rd respondent, wherein his name was placed at Sl. Nos. 25 and 11 instead of Sl. Nos. 21 and 5, and the consequential approved panel. Thereby, he seeks appropriate re-fixation of seniority and consequential promotion.

g) Insofar as W.P. No.28597 of 2025, the petitioner challenges the proceedings dated 30.09.2024 issued by the 2nd respondent and the consequential approved name panel list issued by the 3rd respondent dated 17.03.2025.

h) In common, it is the grievance of the petitioner that due to punishment imposed by the respondents, he suffered a lot and it affected his promotional avenue, due to wrong fixation of seniority in the appropriate posts. Thereby, these writ petitions are filed seeking to quash the rejection orders dated 08.08.2023 and 29.04.2025 passed by the 3rd respondent and the proceedings dated 30.09.2024 issued by the 2nd respondent and 17.03.2025 and the panel list issued by the 3rd respondent dated 17.03.2025.

3. The learned Senior Counsel for the petitioner submitted that the charge memo was issued after the petitioner had already been transferred and



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relieved from Morappur Panchayat Union. The records pertaining to audit are very much available in the custody of the office, from where the petitioner was transferred and therefore it is the argument that fastening liability upon an Officer who had been transferred to other place is arbitrary and the same is unsustainable.

4. He further submitted that though the charge memo was issued in 2016, the proceedings culminated in punishment only in 2023, reflecting inordinate and unexplained delay. The orders of the disciplinary authority and the appellate authority are non-speaking and do not assign valid reasons.

5. Further, learned Senior Counsel argued that with regard to seniority, he submitted that once his seniority was revised pursuant to the order dated 30.10.2015 and proceedings dated 13.01.2016, the respondents were bound to place him appropriately in the promotional panel and grant consequential benefits. Thus overall, the punishment imposed has adversely affected the petitioner's promotional placement. Therefore, the impugned orders in both writ petitions are liable to be quashed and prayed for the same as well as sought consequential directions.



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6. Learned Senior Counsel appearing for the respondents 1 to 3 submitted that pursuant to the order of this Court dated 30.10.2015 in W.P. No.34855 of 2015, the 3rd respondent duly considered the petitioner's representation and revised his seniority by placing him above Mr. R. Raman in the cadre of Assistant as well as Deputy Block Development Officer. Thus, the earlier directions of this Court have been fully complied with. She further contended that in the writ petition viz., W.P. No.28540 of 2025, the petitioner seeks to be placed above G. Kumaresan, the 4th respondent in W.P. No.28540 of 2025. As per service records, the 4th respondent was promoted and holding the post of Assistant on 20.11.2006, whereas the petitioner was promoted to the said post only thereafter.

7. Learned Senior Counsel vehemently argued that seniority in a cadre depends upon the date of regular promotion and assumption of charge. Therefore, the petitioner cannot claim precedence over officers who were promoted earlier than him.

8. She also argued that the petitioner has challenged seniority lists pertaining to the years 2011 to 2025 after a lapse of nearly nine years and such challenge is barred by delay and laches. The prayer for retrospective promotion is devoid of merits.



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9. Learned Senior Counsel seriously argued that with regard to disciplinary proceedings, that as Deputy Block Development Officer, the petitioner was duty-bound to ensure maintenance and production of records during audit. After affording full opportunity, the enquiry officer found the charges proved and the appellate authority, showing leniency, modified the punishment to censure. Hence, there is no arbitrariness warranting interference in the orders dated 30.09.2024 and 17.03.2025 passed by the 2nd and 3rd respondents respectively in W.P. No.28597 of 2025.

10. Heard the rival submissions made by learned Senior Counsels appearing on both sides and perused the materials placed before this Court. Since no adverse orders are passed as against the 4th respondent in W.P. No.28540 of 2025, notice to the 4th respondent is dispensed with.

11. It is not in dispute that the charge relates to non-production of records during a special audit conducted shortly after the petitioner's transfer. It is equally undisputed that the petitioner had assumed charge at Pappireddipatti Panchayat Union on 14.06.2016, for the non-production of records / maintenance of records related to a period pertaining to earlier office from which place he was transferred i.e., Morappur Panchayat Union.



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12. This Court is of the view that the impugned orders dated 30.09.2024 and 17.03.2025 issued by the 2nd and 3rd respondents in W.P. No.28597 of 2025, do not clearly spell out as to whether the petitioner was in actual custody of the records at the relevant time; whether proper handing over had taken place, or whether verification or production of records was done by the officials who issued relieving order to the petitioner at the time of transfer. This Court also noticed that the disciplinary proceedings was initiated in the year 2016, whereas punishment was imposed only in the year 2023 and the delay for conclusion of the disciplinary proceedings remains unexplained. While a supervisory officer is expected to ensure proper maintenance of records, administrative fairness requires that responsibility be fixed at the stage of transfer and relieving. In the absence of material to show such specific compliance, fastening entire liability upon the petitioner is wholly arbitrary.

13. The appellate order modifying the punishment to “Censure” does not independently analyse the grounds raised in appeal. Though the punishment has been modified, however in the absence of detailed reasoning for such modification when the punishment has adverse administrative consequences in the service of the petitioner, the said modification also is



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unjustifiable and therefore, it warrants interference by this Court with the orders impugned in W.P. No.28597 of 2025.

14. It is well settled that seniority in a cadre ordinarily depends upon, merit, the date of regular promotion and assumption of charge. On a bare perusal of records, it would show that the petitioner's claim with regard to his seniority started from the early appointment stage. Though it is the contention of the respondents that as per the directions issued by this Court on 30.10.2015 in W.P. No.34855 of 2015 and the petitioner was placed before one Raman, it has to be verified from the beginning stage.

15. In the above circumstances, this Court makes it clear that once the punishment, which formed the basis for denying or deferring promotional benefits, has been set aside, it cannot operate as a bar to consideration of his case in accordance with law. At the same time, it is further noted that the petitioner cannot automatically claim placement above officers who were validly promoted earlier, to the petitioner unless such claim is supported by any proof for claiming re-fixation of seniority in accordance with applicable service rules.

16. Accordingly, the punishment order dated 31.10.2023 issued by the 3rd respondent and the appellate order dated 30.09.2024 issued by the 2nd



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respondent in W.P. No.28597 of 2025 are liable to be set aside, for the reasons and observations, stated supra. Further, the respondents are required to re-examine and re-fix the petitioner's seniority strictly in accordance with the revised proceedings and applicable rules, as the punishment has since been set aside.

17. In view of the above, this Court issues the following directions to the respondents :-

i) The impugned punishment order dated 31.10.2023 passed by the 3rd respondent and the appellate order dated 30.09.2024 passed by the 2nd respondent are hereby set aside.

ii) Further, the respondents are directed to re-fix the petitioner's seniority in the appropriate place in accordance with the applicable service rules, if the petitioner is otherwise eligible. If eligible, the respondents are directed to grant consequential promotion and all attendant monetary and service benefits, if such benefits had been denied solely on account of the impugned punishment.

iii) It is made clear that the aforesaid direction is independent & other punishments affecting the petitioner's promotional claim, and in such case, it is open to the petitioner to work out his remedy in the manner known to law.



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18. With the above directions, W.P. No.28597 of 2025 stands allowed.

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19. Insofar as W.P. No.28540 of 2025 is concerned, right from the year 2006 when the petitioner held the post of Assistant, the issue of seniority has arisen. Therefore, it is for the respondents to consider the claim with regard to seniority re-fixation in accordance with law. This Court makes it clear that if the petitioner's seniority is affected only due to imposition of punishment by the respondents with regard to non-maintenance of records or non-submission of records during the audit, due to his transfer, the petitioner's claim has to be entertained. Otherwise, it is for the respondents to consider the petitioner's claim for seniority and re-fixation in accordance with law.

20. With the above directions, W.P. No.28540 of 2025 stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

09.02.2026

Index: Yes/No
Neutral Citation : Yes / No
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M.DHANDAPANI, J.

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To:

1. State of Tamil Nadu
rep. by its Secretary
Rural Development and Panchayat Raj Department
Fort St. George
Chennai.
2. The Director
Rural Development and Panchayat Raj Department
Panagal Maligai, Saidapet
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