IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

Case QR

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 39317 of 2024

CNR:{HCMA012357472024}

and

WMP Nos. 42570 and 42572 of 2024 and
WMP No. 28022 of 2026

M.Saraswathi

..Petitioner(s)

Vs

1. The Commissioner of Transport
   Chepauk, Chennai-600 005.

2. The Secretary to Government
   Home (transport-II) Department,
   Fort St. George, Chennai-9.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarifed Mandamus, calling for the records of the 1st respondent in connection with the impugned order deferring the claim of the petitioner for promotion to the post of Motor vehicle Inspector (NT) fit for promotion as PA to RTO in the panel of the year 2023-24 approved in Proc. R.No.30294 /RA1/ 2024 (E.O. No.811/2024) dt.26.11.2024 and quash the same in so far as the petitioner is concerned and direct the respondents to include the name of the petitioner in the panel of Motor Vehicle Inspector (NT) fit for promotion as PA to RTO in the panel of the year 2023-24 approved in Proc. R.No.30294/ RA1/ 2024 (E.O. No.810/ 2024) dt.26.11.2024 notionally at par with her junior Kanagam and further direct the respondents to consider the claim of the petitioner for promotion as RTO in the ensuing panel published in GO Ms. No.534 Home (Transport II) Dept dt.24.09.2024 at par with her junior

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and grant her all consequential service and monetary benefits.

For Petitioner(s): Mr.M.Muthappan

For Respondent(s): Mr.A.R.Suresh,
Special Government Pleader

ORDER

The present Writ Petition has been filed challenging the impugned order dated 26.11.2024 passed by the first respondent, whereby the claim of the petitioner for promotion to the post of Personal Assistant to RTO in the panel year 2023–2024 was deferred.

2. The learned Senior Counsel appearing for the petitioner would submit that, by the impugned order dated 26.11.2024, the first respondent deferred the consideration of the petitioner for promotion to the post of Personal Assistant to RTO on the ground that a charge under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules had been framed by the Principal Secretary / Transport Commissioner, vide Memo No.40610/VA2/2008 dated 23.10.2008, and that the same was pending. The specific submission of the learned Senior Counsel is that the said charge had culminated in the imposition of a punishment on 17.06.2010, whereby the petitioner was imposed with the punishment of stoppage of increment for a period of two years with cumulative effect. The said punishment was challenged in W.P.No.18124 of 2010, wherein this Court, by order dated 14.07.2017, set aside the punishment. Aggrieved by

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the same, the respondents preferred W.A.No.2498 of 2018, which was dismissed on 12.11.2018. Thereafter, the respondents preferred a Special Leave Petition before the Hon'ble Supreme Court, which was also ultimately dismissed on 30.01.2026 in SLP (Civil) Diary No.589 of 2026. Therefore, it is the specific submission of the learned Senior Counsel that the reliance placed on Rule 17(b) of the Rules is factually incorrect, as the punishment imposed therein was subsequently set aside by this Court, and the said decision attained finality by virtue of the dismissal of the Special Leave Petition by the Hon'ble Supreme Court in SLP (Civil) Diary No.589 of 2026. Therefore, the impugned order is liable to be interfered with.

3. Per contra, the learned Special Government Pleader appearing for the respondents would, in all fairness, submit that the punishment imposed under Rule 17(b) of the Rules was subsequently set aside and that the said finding attained finality by virtue of the judgment of the Hon'ble Supreme Court in SLP (Civil) Diary No.589 of 2026 dated 30.01.2026. It is the specific submission of the learned Special Government Pleader that, subsequently, the name of the petitioner was included in the panel of Motor Vehicle Inspector (Non-Technical) for the year 2009–2010 and that her name was also included in the panel of Personal Assistant to RTO for the year 2010–2011, on par with her junior, Tmt. R.Kanagam.

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4. I have given my anxious consideration to the submissions made on either side.

5. Though, in the counter statement, the respondents had stated that such action was subject to the outcome of the Writ Appeal, the said Writ Appeal was subsequently dismissed, and the decision was also confirmed by the Hon'ble Supreme Court. Therefore, it is evident that the respondents had already taken a decision to include the petitioner in the panel for promotion to the post of Personal Assistant to RTO for the panel year 2010–2011, on par with her junior, Tmt. R.Kanagam.

6. At this juncture, it is also relevant to refer to the proceedings of the Principal Secretary / Transport Commissioner dated 25.09.2026. For ready reference, the relevant paragraph of the said proceedings is extracted hereunder:-

> *"6. Consequent to cancellation of the punishment imposed against Tmt.M.Saraswathy, PA to STA, formerly Superintendent, Regional Transport office, Madurai (North) in the reference 9th cited and dismissal of S.L.P (Civil) Diary No.589/2026, the order issued in proceedings R.No.45097/RA1/2023 (E.O.No.297/2025) dated.07.05.2025 is revised and accordingly, (i) the name of Tmt.M.Saraswathy is included in the panel of Superintendents fit for promotion as MVI(NT) for the year 2009-2010 at Sl.No.14A, below the name of Tr.M.Kuthalingam (Sl.No.14) and above the name of Tmt.R.Kanagam (Sl.No.15) and her pay is fixed on par with her junior Tmt.R.Kanagam under ruling 17 of F.R.27 w.e.f*

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08.12.2008 F.N viz the date of officiation of her junior Tmt.R.Kanagam in the cadre of Motor Vehicle Inspector (Non-Technical).

(ii) Consequently, her name is included in the panel to the post of Personal Assistant for the year 2010-2011 at Sl.No 10A, below the name of Tr.M.Kuthalingam (Sl.No.10) and above the name of Tmt.R.Kanagam (Sl.No.11) and her pay is fixed on par with her junior Tmt.R.Kanagam ruling 17 of F.R.27 w.e.f 08.09.2010 A.N viz the date of officiation of her junior Tmt.R.Kanagam in the cadre of Personal Assistant."

7. In view of the aforesaid proceedings, the respondents have already decided to fix the seniority of the petitioner below one M.Kuthalingam and above R.Kanagam. Therefore, this Court directs the respondents to promote the petitioner notionally on par with her junior, R.Shanthi, who has been promoted to the post of RTO vide G.O.(Ms).No.534, Home (Tr.II) Department, dated 24.09.2024, and grant her all consequential benefits, sans monetary benefits. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. In the result, this Writ Petition is allowed as indicated above. Consequently, the connected Miscellaneous Petitions are closed. No costs.

30-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes

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To

1. The Commissioner of Transport
Chepauk, Chennai-600 005.

2. The Secretary to Government
Home (transport-II) Department,
Fort St. George, Chennai-9.

C.KUMARAPPAN J.

KV

WP No. 39317 of 2024

30-10-2026

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