



WA No. 3728 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 3728 of 2025

AND CMP Nos. 30953 and 30948 OF 2025

P.Boopathy, S/o.Palanivelu, Station Fire Officer,
(Leading Fireman 6154) Kolli Hills Fire And Rescue
Station, Namakkal District, Salem Region.

..Appellant

Vs

1. The Additional Chief Secretary To
Government Home (POLICE-17) Department,
Secretariat, Fort St. George, Chennai-9.
2. The Director General of Police / Director
Fire and Rescue Services, No. 1, Rukmani
Lakshmi pathy Road, Egmore, Chennai-08.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 30.10.2025 passed in WP NO. 41070 of 2025.

For Appellant :

Ms.S.Renuka

For Respondents :

Mr.S.John J Rajasingh

Additional Government Pleader

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed against the order of the learned Writ Court dated 30.10.2025 made in W.P.No.41070 of 2025.



WEB COPY

2. The appellant was the writ petitioner, who was working as Leading Fireman. From that post, the next promotional avenue is Station Fire Officer (SFO). For want of candidates in the said post, the writ petitioner was given adhoc promotion and pursuant to the adhoc promotion, he has been working as Station Fire Officer. While that being so, there has been a disciplinary proceedings initiated against him due to the charges framed by the Department of Vigilance and Anti Corruption.

3. In view of the said disciplinary proceedings, where major penalty charges under Rule 17-B of the Discipline and Appeal Rules has been framed against him, where enquiry is pending, he was not found eligible to be included in the panel fit for promotion for the post of Station Fire Officer along with similarly placed persons and he had to be reverted to the original position ie., Leading Fireman and an order to that effect has also been passed on 09.10.2025. The said order was challenged before the Writ Court.

4. The learned Judge heard the said writ petition and ultimately rejected the same on the ground that when there has been a disciplinary proceedings pending against the petitioner, he is not liable to be included in the panel fit for promotion in the next higher category. Therefore, the denial of promotion as of now by deferring the said inclusion in the promotional panel and the consequential reversion



WA No. 3728 of 2025

from the adhoc position to the original position is justifiable. Finding so, the learned Judge dismissed the writ petition through the impugned order dated 30.10.2025. Challenging the same, the present writ appeal has been filed.

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

6. Learned counsel for the appellant would submit that, though the appellant is not eligible or entitled to seek for regular promotion to be included in the panel fit for promotion because of the pendency of the charges framed against him, which is a major penalty charges under Rule 17-B, reversion ought not to have been made, as already he was promoted to the said post on adhoc basis as that necessity has not arisen.

7. Learned Additional Government Pleader relied upon Rule 7(1) of the Tamil Nadu Government Servants (Conditions of Service) Rules, 2016 and Schedule XI framed under the said Rule, where it has been clearly stated that, insofar as the charges framed or charge sheet filed in a criminal case against a member of the service, promotion or appointment or such member shall be deferred until such proceedings are concluded. If 17-A charges are framed there is no impediment for including such member in the panel for promotion, whereas since 17-B charges being major penalty, it is an impediment for inclusion in the panel fit for promotion.



WA No. 3728 of 2025

Therefore, the non-inclusion of the writ petitioner in the panel fit for promotion to the post of Station Fire Officer is justifiable one, he contended.

8. Having considered the said submissions made by the learned counsel for both sides and after having gone through the relevant Rule position, especially in the context of Rule 7(1) of the 2016 Rules as well as Schedule XI, since pendency of 17-B charges against a member of the service is an impediment for inclusion in the panel fit for promotion to the next higher category, the right of claiming to be included in the panel gets defeated.

9. It is only a temporary deferral as of now pending disposal of the disciplinary proceedings against the writ petitioner / appellant and once he gets a clean chit based on the enquiry conducted in this regard, certainly he can get the benefits of promotion from the original date, but at the same time if the charges are proved and the disciplinary authority takes any action imposing any punishment, accordingly the promotion may get denied for some time to the writ petitioner. All these issues can be decided only after the outcome of the disciplinary proceedings. Till such time, no claim can be made by the appellant either to get the promotion by inclusion in the panel fit for promotion or retain himself in the adhoc promoted post in the cadre of Station Fire Officer.



WA No. 3728 of 2025

10. Therefore, the impugned order before the Writ Court since is liable to be sustained, it is sustained, of course correctly by the learned Judge through the impugned order. Hence, we do not find any reason to interfere with the same. The appeal fails and is liable to be dismissed. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.) (S.S.A.,J.)
22-01-2026

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

KST

To

1. The Additional Chief Secretary To Government Home (POLICE-17) Department, Secretariat, Fort St. George, Chennai-9.
2. The Director General of Police/Director Fire and Rescue Services, No. 1, Rukmani Lakshmipathy Road, Egmore, Chennai-08.



WEB COPY



WA No. 3728 of 2025

**R.SURESH KUMAR J.
AND
SHAMIM AHMED J.**

KST

WA No. 3728 of 2025

22-01-2026

Page 6 of 6