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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 02-11-2026**

CORAM

**THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE**

**AND**

**THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY**

**THE HON'BLE MR.JUSTICE N.DILIP KUMAR**

**WP(MD) No. 5939 of 2023**

CNR:{HCMD010308712023}

Vijayan .M
S/o.V.Manickam, D.No.379, Thiruvalluvar Salai,
Soodamanipuram, Karaikudi - 630 003, Sivagangai District.

..Petitioner(s)

Vs

1. The Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Secretariat, Chennai - 600 009.

2. The Director of Agriculture
Ezhilagam, Chepauk, Chennai - 600 005.

..Respondent(s)

**PRAYER:** S-11 (Seniority). Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified



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Mandamus, calling for the records of the 1st respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai in his Government letter No.25932/AA1/2021-5 dated 19.01.2023 and communicated to the petitioner by the Joint Director of Agriculture, Sivagangai in his Endorsement No.Me.Ku.Lr.No.PaNi2/9024/2022 dated 07.02.20223 and quash the same and consequently direct the 1st respondent to include the name of the petitioner in the approved list of Assistant Director of Agriculture of the year 2007-2008 on par with his junior and to send revised pension proposals to the Accountant General, Chennai and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s) Mr.S.Visvalingam

For Respondent(s) Mr.C.Jeganathan
Special Government Pleader

**ORDER**

**(Order of the Court was made by ABDUL QUDDHOSE, J.)**

When the matter is taken up for hearing today, it is represented by the learned Counsel for the petitioner that the petitioner is dead. It is also submitted that he died as a bachelor on 19.11.2024. Till date, no



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application has been filed by the legal representatives of the deceased to bring them on record as petitioners in this Writ Petition.

**2.**This Full Bench was constituted pursuant to conflicting decisions rendered by two Division Bench judgments of this Court rendered in W.A.[MD]No.63 of 2020 and W.A.[MD]No.1675 of 2018 on the issue for consideration in this Writ Petition. In the order dated 27.06.2023 a learned Single Judge of this Court in W.P.[MD]No.5939 of 2023, referring to the conflicting Division Bench judgments referred to supra had requested the Hon'ble Chief Justice to constitute a larger Bench for deciding the issue. Pursuant to the same, the Hon'ble Chief Justice had constituted this Full Bench.

**3.**The question of law involved in this reference is whether G.O.Ms.No.22, dated 24.02.2014, issued by the Personnel and Administrative Reforms Department, introducing amendments to the Tamil Nadu State and Subordinate Service Rules, which takes effect from 18.10.1993, will override the Full Bench judgment rendered by this Court in the case of the ***Deputy Inspector General of Police, Thanjavur*** *Vs.* ***Rani*** *reported in* ***2011 (3) CTC 129.*** As per the said G.O.Ms.No.22, dated 24.02.2014, the check period for the punishment of Censure is



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applicable and therefore, an employee cannot seek for notional promotion in case the check period is still in force. Whereas, the Full Bench judgment of this Court reported in ***2011 (3) CTC 129*** referred to supra, has held that check period does not apply for the punishment of Censure and an employee is entitled to seek for notional promotion even if the right of promotion falls during the check period. Since there are conflicting decisions rendered by two Division Benches of this Court namely, one Division Bench judgment of this Court rendered in ***W.A. [MD]No.63 2020,*** in the case of ***the Agriculture Production Commissioner and another Vs. R.Thiruppathy,*** held that the check period for the punishment of Censure will not have any impact for an employee seeking notional promotion and the other Division Bench judgment dated ***22.02.2019*** rendered in ***W.A.[MD]No.1675 of 2018*** held that in view of the G.O.(Ms).No.22, the check period applies to the punishment of Censure and therefore, an employee cannot seek for notional promotion for the period when the check period is in force when he has been imposed with the punishment of Censure. Even though this Writ Petition will have to be dismissed as abated in view of the death of the petitioner, the question of law to be answered by this Full Bench, is left open for another case to be decided as and when the need arises for this Court to decide.



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**4.**For the foregoing reasons, this Writ Petition is dismissed as abated, leaving the question of law open for the parties to agitate in an appropriate case. There shall be no order as to costs.

**(A.Q.,J.)** **(S.K.R.,J.)** **(N.D.K.,J.)**

**02-11-2026**

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

MR



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To

1. The Agricultural Production Commissioner and Principal Secretary to Government
   Agriculture Department, Secretariat, Chennai - 600 009

2. The Director of Agriculture
   Ezhilagam, Chepauk, Chennai - 600 005



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**ABDUL QUDDHOSE, J.**
**AND**
**SENTHILKUMAR RAMAMOORTHY, J.**
**AND**
**N.DILIP KUMAR, J.**
MR

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