



W.A.(MD)No.1319 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:03.02.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.1319 of 2025
and
C.M.P.(MD)No.8004 of 2025

1.The State of Tamilnadu,
Rep.by its Secretary to Govt.,
Finance Department,
Secretariat,
Chennai-600 009.

2.The Principal Director of Audit,
O/o.Local Fund Audit,
Chennai-600 035.

... Appellants

Vs.

G.Sam Robust

... Respondent

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order dated 01.03.2024 made in W.P.(MD)No.909 of 2024 on the file of this Court and allow the writ appeal.

For Appellants : Mr.S.R.A.Ramachandran
Additional Government Pleader
For Respondent : Mr.P.Muthuvel



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JUDGMENT

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(Judgment of the Court was delivered by **DR.G.JAYACHANDRAN, J.**)

It is a case, where the name of the writ petitioner was not included in the promotional panel prepared for the year 2016-17 for the post of Deputy Inspector in the Local Fund Audit Department, on the premise that he was facing charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and also placed under suspension for certain misconduct and pendency of a criminal case. However, it is found that the crucial date for drawing the promotional panel for the post of Deputy Inspector for the year 2016-17 was fixed as 15.03.2016 and on that date, the writ petitioner had unblemished service. Therefore, he challenged the non-inclusion of his name in the promotional panel by way of writ petition in W.P.(MD)No.909 of 2026.

2.The learned Single Judge on considering the facts and the law laid in the case of *V.Visweswaran vs. The Director of Handloom and Textiles and another* dated 22.06.2021 in W.A.(MD)No.846 of 2019 allowed the writ petition with the following observations:



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“8. In the instant case, the promotion panel was prepared by the 2nd respondent for the year 2016~2017 with the crucial date of 15.03.2016. On the said crucial date, the petitioner was neither issued with the charge memo nor a currency of the punishment pending against him. Hence, the petitioner is fully eligible to hold the post of Deputy Inspector on par with his juniors who has found place in the promotion list in serial No.48. It is also pertinent to mention that the petitioner has completed all the departmental examinations well before 2015, which were mandatory for the post of Deputy Inspector. Hence, the exculsion of the petitioner-s name in the promotion panel dated 28.12.2023 is nothing but arbitrary and colourable exercise of power. The 2nd respondent has also without giving an opportunity to the aggrieved persons to submit their objections on the promotion panel dated 28.12.2023 has given effect to the panel immediately after a day of issuance of promotion panel, that is, on 29.12.2023. Therefore, the entire promotion process is clouded with irregularity.

9. The issuance of subsequent charges to a government servant certainly cannot be a bar for inclusion in the promotion panel which was prepared based on a crucial date which lies earlier to the date of the promotion panel. The petitioner has to face charges framed subsequently after the crucial date, the petitioner's chance of getting included in the panel and further consideration of his candidature of promotion should not be denied. Under such facts and circumstances of the case and in view of the decisions cited supra, the following directions are issued in the writ petition:

(i) The name of the petitioner shall be included in the panel based on the crucial date 15.03.2016, fit for promotion to the post of



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Deputy Inspector;

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(ii) The said panel shall be acted upon where the name of the petitioner is appropriately found and he can be considered for further promotion of Deputy Inspector; unmindful of the subsequently framed charges against the petitioner on 20.09.2021 and 10.11.2023;

(iii) If the name of the petitioner is considered for promotion and if he is promoted, that will be subject to the result of the departmental proceedings initiated against the petitioner on 20.09.2021 and 10.11.2023.”

3. Being aggrieved, the State has preferred this writ appeal stating that during the date of consideration of the actual promotion, charge under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, was pending against the writ petitioner, while so exclusion of his name from the panel for the year 2016-17 is justifiable. That apart for continuous disruption of the official administration, the writ petitioner was placed under suspension on 11.08.2023. Thus exclusion of the writ petitioner from the promotional panel for the post of Deputy Inspector is valid and within the Rules and Act in existence.

4. Heard the learned counsel appearing on either side and perused the records carefully.



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5.This Court taking note of the fact that when crucial date for drawing the promotional panel for the post of Deputy Inspector was 15.03.2016 for the year 2016-2017, subsequent events like framing of charge under Rule 17(b) or suspension for misconduct after the crucial date will not debar the writ petitioner for being considered and included in the promotional panel. It is a well settled principle of law that the eligibility of a candidate for promotion should be considered only as on the crucial date not beyond that. In anticipation of any future events, name of a eligible candidate cannot be excluded.

6.For the said reason, we dismiss this writ appeal as devoid of merits. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[G.J., J.] & [K.K.R.K., J.]
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