



WEB COPY

W.A.No.1026 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1026 of 2026

1. The Secretary To Government
Municipal Administration and Water Supply Dept.,
Secretariat, Chennai-600009.
2. The Commissioner Of Municipal Administration
No.75, Santhome High Road,
R.A.Puram, Chennai-600028.

..Appellant(s)

Vs

1. K.Selvam
2. The Commissioner
Avadi Municipality,
Now Avadi City Municipal Corporation,
Avadi, Chennai-600054.

..Respondent(s)

To allow the Writ Appeal and set aside the order dated 16.07.2025 made in W.P.No.13077 of 2020.

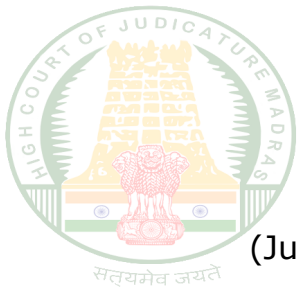
For Appellant(s):

Mr.M.Suresh Kumar
Additional Advocate General
assisted by Mr.R.Neethiperumal
Government Advocate

For Respondent(s):

Mr.S.N.Ravichandran
for R1

Mr.RA.Gopinath
Standing Counsel
for R2



JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

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This intra-Court appeal has been directed against the order passed by the Writ Court dated 16.07.2025 made in W.P.No.13077 of 2020.

2. The first respondent was the writ petitioner, who was working as a Town Planning Officer (Grade II) and he became eligible to be considered for promotion to the post of Town Planning Officer (Grade I), for which, the Panel for the year 2010-2011 was prepared by taking the crucial date as 15.03.2010 and his name was included on 01.07.2010. However, promotion was not given, because, in the meanwhile, on 22.01.2010, a charge-memo was issued and that was pending and ultimately, after completion of the Disciplinary Proceedings, the punishment of stoppage of increment without cumulative effect was inflicted against the first respondent/writ petitioner only on 13.06.2018. Therefore, according to the appellant employer, from 22.01.2010 till 13.06.2018, since the charge-memo was pending, he was not eligible to be considered to be included in the Panel fit for promotion to the post of Town Planning Officer (Grade - I).

3. That was under challenge before the Writ Court and the learned Writ Court, having considered the delay caused in completing the Disciplinary Proceedings by keeping the same under tenterhook by having the charge-memo without giving any quietus to the same from 2010 to



2018, that is eight long years, it is against Rule 8(2) of the Tamil Nadu Municipal Service (Discipline and Appeal) Rules, 1970. Therefore, the learned Judge, on that ground, quashed and directed the appellant employer to give promotion to the first respondent/writ petitioner from the Panel of the year 2010-2011 by inclusion of his name with effect from 01.07.2010 taking into account of the crucial date on 15.03.2010 with all service benefits including backwages. Aggrieved over the same, the present writ appeal had been filed.

4. We heard *Mr.M.Suresh Kumar*, learned Additional Advocate General assisted by *Mr.R.Neethiperumal*, learned Government Advocate for the appellants, *Mr.S.N.Ravichandran*, learned counsel for the first respondent/writ petitioner and *Mr.RA.Gopinath*, learned Standing Counsel for the second respondent.

5. It is true that the charge-memo was pending between 2010 and 2018, therefore, during that period, if the crucial date falls, that is on 15.03.2010, he cannot be considered for promotion. Every year, such Panel is prepared. This Panel is of the year 2010 and since was prepared and his name was included on 01.07.2010 by having the crucial date as 15.03.2010 and subsequent years also, every year's Panel was prepared, however, because of the charge-memo, he was never included till 2018, such huge delay caused in completing the Disciplinary Proceedings cannot be attributable on the employee, therefore, it is against the Rules, as the



Disciplinary Proceedings were not concluded within a reasonable time.

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6. Therefore, on that ground, the punishment awarded against the first respondent/writ petitioner or the charge-memo issued against him could very well be interfered with by the Writ Court as per the settled legal proposition. In that view of the matter, we are not inclined to interfere with the view taken by the learned Judge through the order impugned dated 16.07.2025.

7. However, it is a fact that, between 2010 and 2018, the first respondent/writ petitioner had not worked as Town Planning Officer (Grade - I), therefore, insofar as the difference of pay between the Town Planning Officer (Grade - II) and Town Planning Officer (Grade - I) is concerned, he might not be entitled to get such enhanced pay, as he never worked functionally in the post of Town Planning Officer (Grade - I). Accordingly, if at all he is entitled to get promotion right from 2010, taking the crucial date as on 15.03.2010, such promotion could be given to the first respondent/writ petitioner only on notional basis.

8. In that view of the matter, the following orders are passed:

(i) That the first respondent/writ petitioner shall be entitled to get promotion based on his inclusion of name in the Panel fit for promotion to the post of Town Planning Officer (Grade - I), as his name has been included on 01.07.2010 in the said year's Panel by having the crucial date as 15.03.2010. Accordingly, such promotion shall be given to the first respondent/writ petitioner, of course, notionally, from 2010,



that is the date on which he became eligible to get such promotion or the date on which his juniors have been promoted.

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(ii) As in the year 2022, since he retired from service, till such time promotion is given, for the period between 2010 and 2022, he is not entitled to get difference of backwages and therefore, by giving such notional promotion, based on which, his last drawn pay shall be calculated at the time of his superannuation and accordingly, his pensionary benefits be calculated and paid with arrears.

9. With these modifications of the order impugned, we dispose of this writ appeal without order as to costs. The modified order shall be complied within a period of two months from the date of receipt of a copy of this order. Consequently, C.M.P.No.10464 of 2026 is closed.

(R.S.K.,J.)

(N.S.,J.)

27-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

(*drm*)

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