

# SUPREME COURT OF INDIA

State of Tamil Nadu

Vs.

T.M. Pasupathy

C.A.No.7244-7245 of 1997

(Brijesh Kumar and Arun Kumar JJ.)

17.02.2004

## JUDGMENT

### **Brijesh Kumar, J.**

1. These appeals are preferred against the judgment and order passed by the Tamil Nadu Administrative Tribunal, allowing in part, the O.As. preferred by the respondent against his non-consideration for promotion to the post of Deputy Superintendent of Police, in the selections held in the years 1985-86 and 1989-90.

2. We have heard the learned counsel for the appellants. The respondent though served has not put in appearance.

3. It appears that some departmental proceedings were initiated against the respondent on various charges of misconduct which also covered some earlier period upto 1983-84. Some punishments were awarded to the respondent on some counts, and as also indicated by the learned counsel for the appellants, he was exonerated of some charges by the disciplinary authority. It appears that on two occasions there was order for reduction of his salary. Learned counsel for the appellants has not been able to specifically point out the actual year of alleged misconduct and particular punishment which was awarded to the respondent on proof of which of the charges.

4. The Tamil Nadu Administrative Tribunal, has taken the view that some punishments, which were awarded for the period not in proximity of the period of the selection for promotion, they were not liable to be taken into consideration. In that view of the matter, it has been held that so far promotion exercise for the year 1985-86 is concerned, non-consideration of the respondent in the said selection, being in proximity of the period of alleged misconduct for which some punishments were awarded, was justified. However, as far the selection held in the year 1989-90 is concerned, it being distant in period of time from the period of alleged misconduct and punishments, there was no reason not to consider the respondent. It is not that the respondent was not to be considered for future promotion for

ever. Hence, it directed the appellant to pass order in respect of the claim of the respondent for promotion for the year 1989-90 and to consider his claim on merits for subsequent period.

5. Learned counsel for the appellants could not indicate any substantial ground to challenge the order of the Tribunal except the only one, canvassed before us, that the respondent was under suspension in 1987. We feel, that by itself will not be enough for non-consideration of the respondent for promotion. It has not been indicated that any punishment was awarded in those proceedings rather it appears that the suspension was revoked and the respondent was exonerated. We hardly find any good ground, much less which may have been indicated or substantiated by the appellants, to interfere with the order passed by the Tribunal. The appeals have no force and hence they are dismissed. The interim orders, if any operating, shall stand vacated.