

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2015

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.19751 of 2013 &
M.P.No.1 of 2015

B.Divaharan

[PETITIONER]

Vs

1. The State of Tamilnadu
Represented by the Secretary
to the Government,
Small Industries,
Fort St.George, Chennai 600 009

2. The Commissioner and Director of
Industries and Commerce,
Mandaveli, Chennai 600 028

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the records in R.C.No.68208/EG4/2001 dated 22.01.2013 on the file of the 2nd respondent and quash the same as illegal null and void and consequently direct the first and second respondent to consider the name of the petitioner for promotion as Assistant Director (Industrial Co-operative) for the panel year 2007-2008 since only because of the pendency of the charges his name was not considered during that period.

For Petitioner : Mr.N.S.N.Krishnakumar

For Respondents : Mr.S.Gunasekar,

Additional Government Pleader

O R D E R

Heard Mr.N.S.N.Krishnakumar, learned Counsel appearing for the petitioner and Mr.S.Gunasekar, learned Additional Government Pleader appearing for the respondents.

2. The Writ Petition is filed by the petitioner seeking to quash the impugned order passed by the second respondent in R.C.No.68208/EG4/2001 dated 22.01.2013.

3. The punishment awarded to the petitioner is stoppage of increment for two years with cumulative effect issued by the second respondent on partly proven charges framed in charge memos dated 23.05.1996 and 05.05.1997.

4. It is represented by the learned Counsel for the petitioner is that vide G.O.(2D) No.24, Micro, Small and Medium Enterprises [EII(2)] Department, dated 05.06.2015, the punishment of withholding the increment for two years with cumulative effect along with recovery of Rs.43,221.42p imposed on the petitioner was set aside by the Government. By virtue of the said order, the prayer in the Writ Petition has automatically become infructuous. However, the petitioner has sought for a direction to consider him for the panel year 2012-2013.

5. It is represented that already he has been qualified as Assistant Director. It is for the respondents to consider whether his promotion is retrospective. As already the punishment is set aside, the respondents are directed to consider the petitioner for the post of Assistant Director for the panel year 2012-13, if he otherwise qualifies.

The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

1. The State of Tamilnadu
Represented by the Secretary to the Government,
Small Industries,
Fort St.George, Chennai 600 009
2. The Commissioner and Director of
Industries and Commerce,
Mandaveli, Chennai 600 028

+ 1 cc to M/s.N. Krishnakumar, Advocate SR.63310

W.P. No.19751 of 2013 &
M.P.No.1 of 2015

RSK(CO)

Eu 30.11.15