



WP No.26213 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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- 1.P.Prasanna
- 2.A.Venkatesan
- 3.G.Giresan
- 4.N.S.Krishnan
- 5.D.Nagarajan
- 6.K.Varatha Ganesan
- 7.Tariq M. Syed
- 8.A.Senthamizh Selvan
- 9.S.Saravana Ganesh
- 10.G.Ganapathysundaram

: Petitioners

Vs

- 1.The Government of Tamil Nadu
Rep. by its Addl. Chief Secretary
MSME Department
Fort St. George Chennai - 600009
- 2.The Principal Secretary/ Industries Commissioner and Director
Industries and Commerce Department
3rd Floor SIDCO Corporate Office, Guindy,
Chennai 32
- 3.The Tamil Nadu Public Service Commission
Rep. by its Secretary
Service Commission Road, Chennai 3

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring the impugned Special Rules to Tamil Nadu Industrial Service in so far as providing for direct recruitment



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for appointment to the category Assistant Director and also in not including within it the category of Assistant Engineer as illegal unconstitutional void ab initio and consequently to direct the respondents to take away the category of Assistant Engineer from Tamil Nadu Industrial Subordinate Service and bring under the Special Rules to Tamil Nadu Industrial service and prohibit the respondents from making appointment by direct recruitment to the category of Assistant Director in special Rules to Tamil Nadu Industrial Service.

For the Petitioners : Mr.N.Subramaniyan

For Respondents 1 & 2 : Mrs.R.Anitha,
Special Government Pleader

For Respondent No.3 : Mr.U.Bharanidharan

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.N.Subramaniyan, learned counsel for the petitioners, Mrs.R.Anitha, learned Special Government Pleader, for respondents 1 and 2 and Mr.U.Bharanidharan, learned counsel for the third respondent.

2. Mr.N.Subramaniyan, learned counsel for the petitioners and the learned Special Government Pleader submit that the petitioners have been promoted and as such, the cause of action would not survive. However, the learned counsel for the petitioners submits that the issue be decided.



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3. As the issue now remains academic as far as the present matter is concerned, we are not deciding the same. In appropriate matter, we would decide the issue.

4. The writ petition stands disposed of. There will be no order as to costs. Consequently, WMP Nos.25593 and 35352 of 2019 are closed.

(S.V.G., C.J.)

(D.B.C., J.)

12.12.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

1.The Additional Chief Secretary
MSME Department
Fort St. George Chennai - 600009

2.The Principal Secretary/ Industries Commissioner and Director
Industries and Commerce Department
3rd Floor, SIDCO Corporate Office Guindy
Chennai 32

3.The Secretary
Tamil Nadu Public Service Commission
Service Commission Road, Chennai 3



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