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W.P.Nos.12687 & 27011 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.12687 & 27011 of 2016

Md.Valiullah Sharif

... Petitioner in both W.Ps

Vs.

1.The Additional Chief Secretary to Government,
Micro Small and Medium Enterprises (E-II-I) Department,
Fort St. George,
Chennai – 9.

2.The Additional Chief Secretary /Industries Commissioner &
Director of Industries & Commerce,
SIDCO Corporate Office Building,
2nd & 3rd Floor,
Thiru-vi-ka-Industrial Estate, Guindy,
Chennai – 32.

3.The Joint Director of Establishment
O/o The Additional Chief Secretary/Industries Commissioner &
Director of Industries & Commerce,
SIDCO Corporate Office Building,
2nd & 3rd Floor,
Thiru-vi-ka-Industrial Estate, Guindy,
Chennai – 32.

4.The Secretary to Government,
Personnel and Administrative Reforms (F) Department,
Fort St. George,
Chennai – 9.

(R4 deleted as per order dated 11.04.2018 in W.M.P.No.14793 of 2016 in



W.P.No.12687 of 2016)

5.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar Park Town,
Chennai 600 003.

... Respondents in W.P.No.12687 of 2016

1.The Addl. Chief Secretary to Government,
Micro Small and Medium Enterprises (E-II-I)
Department, Secretariat,
Fort St. George, Chennai – 600 009

2.The Additional Chief Secretary/Industries Commissioner
and Director of Industries and Commerce (EE Section)
SIDCO Corporate Office Building 3rd Floor,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 32.

3.The Secretary to Government,
Personnel and Administrative Reforms Department,
Chennai – 600 009.

(R3 deleted as per order dated 11.04.2018 in W.M.P.No.36832 of 2016 in
W.P.No.27011 of 2016)

4.The Tamil Nadu Public Service Commission,
Rep. by its Chairman,
Chennai – 600 001.

5.M.Lakshmanan,
Manager, (Economic Investigation)
District Industries Centre
Erode.

6.V.Sethupathy,



Assistant Director (Nucleus Cell),
O/o the Additional Chief Secretary/Industries Commissioner
And Director of Industries & Commerce,
SIDCO Corporate Office Building 3rd Floor,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-32.

7.T.S.Chandramohan,
Assistant Director (Survey & Statistics),
O/o the Additional Chief Secretary/Industries Commissioner,
And Director of Industries & Commerce,
SIDCO Corporate Office Building 3rd Floor,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-32. ...Respondents in W.P.No.27011 of 2016

Prayer in W.P.No.12687 of 2016: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus directing the respondent calling for the records of the 1st respondent in G.O.(4D).No.03 Micro Small and Medium Enterprises (EI-1) Department dated 01.03.2016 and quash the said order to limited extent in respect of not approving/regularizing the petitioner alone is concern and consequently direct the respondents to approve/regularize the service of the petitioner in the post of Assistant Director (Survey and Statistics) in category-3 of the Tamil Nadu Industries Service for the year 2008-2009 with all monetary and service benefits.

Prayer in W.P.No.27011 of 2016: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to include the name of the petitioner in the category of Deputy Director for the panel of the year 2015-2016 with reference to his promotion in the category of Assistant Director (Survey and Statics) for the panel year 2008-2009.



WEB COPY

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In W.P.No.12687 of 2016:

For Petitioner	: Mr.D.Soundar Raj
For R1 to R3	: Mr.P.Ganesan Additional Government Pleader.
For R5	: Mr.R.Bharanidaran for TNPSC

In W.P.No.27011 of 2016:

For Petitioner	: Mr.D.Soundar Raj
For R1 to R3	: Mr.P.Ganesan Additional Government Pleader
For R4	: Mr.R.Bharanidaran for TNPSC

ORDER

After hearing the matter for quite some time, it has emerged that the impugned order in W.P.No.12687 of 2016 was issued consequent upon the revision of seniority in various cadres, the petitioner herein was pushed down from Serial No.141 to 156 through proceedings R.C.No.13173/EB1/2009, dated 03.09.2012, and the said proceedings dated 03.09.2012 was challenged by the petitioner along with others in W.P.No.26943 of 2012 and the said writ petition came to be dismissed by an order dated 24.07.2014. An appeal vide W.A.No.1571 of 2014 came to be filed against the said order of the learned Single Judge. While, the said writ appeal was pending, these two writ petitions have been filed challenging the order dated 01.03.2016, seeking for inclusion of name of the petitioner in the panel for promotion to the post of



Deputy Director for the panel year 2015-2016 by considering his date of promotion to the post of Assistant Director for the panel year 2008-2009.

Meanwhile, the said W.A.No.1571 of 2014 also came to be dismissed by an order dated 07.04.2017 and by virtue of the same, revised seniority issued through proceedings dated 03.09.2012 attained finality.

2. Thus, it is clear that the impugned order in W.P.No.12687 of 2016 is only a consequential order consequent upon the revision of seniority revising the panels and duly fixing the petitioner for the panel year 2008-2009 for promotion to the post of Assistant Director. Thereafter, G.O.(4D).No.6, Micro, Small and Medium Enterprises Department, dated 31.05.2016 came to be issued duly including the name of the petitioner for the panel year 2012-2013 for promotion to the post of Assistant Director. Thus, the promotion of the petitioner to the post of Assistant Director is shifted from the panel year 2008-2009 to 2012-2013, as a consequence of revision of seniority, and since the challenge made to the revision of seniority failed, the consequential impugned order issued cannot be found fault.

3. So also the relief claimed by the petitioner in W.P.No.27011 of 2016 to include the name of the petitioner for the panel year 2015-2016 for promotion to the Deputy Director with reference to the promotion of the



petitioner from the post of Assistant Director for the panel 2008-2009 cannot be considered, as the promotion of the petitioner is shifted from the panel year 2008-2009 to 2012-2013.

4. In the light of the above, the relief sought in both the writ petitions cannot be granted. Be that as it may, the learned counsel for the petitioner submitted that though the petitioner was given promotion to the post of Assistant Director from the panel year 2012-13, the petitioner was not granted increments from the year 2012-13 and when the petitioner was promoted to the post of Assistant Director from the panel year 2008-2009, no increments was granted in the cadre of Assistant Director and therefore, sought for appropriate directions to the respondents to release all increments from the panel year 2008-2009 onwards.

5. Admittedly, the petitioner was granted increments from the year 2016-2017. As already noted above, the promotion of the petitioner to the post of Assistant Director is shifted from the panel year 2008-09 to 2012-13 and the same is now confirmed by this Court while dismissing the present writ petition. Therefore, the question of petitioner being granted increments for the temporary service rendered in the post Assistant Director from the



panel year 2008-09 does not arise. As admittedly the petitioner was not granted promotion to the post of Assistant Director from the year 2012-13, the right of the petitioner for grant of increments from the said panel year cannot be denied.

6. In view of the same, the petitioner is granted liberty to make appropriate representation for release of increments in the cadre of Assistant Director from the panel year 2012-2013 within a period of six (6) weeks from the date of receipt of copy of this order. In case, if the said representation is made by the petitioner, the respondents 1 and 2 are directed to consider the same for release of increments from the date of actual promotion of the petitioner to the post of Assistant Director i.e., during the panel 2012-13 and release the increments if not already released within a further period of eight (8) weeks from the date of such representation.

7. Subject to above observations, both the writ petitions are dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

17.12.2024



dpa

W.P.Nos.12687 & 27011 of



Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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WEB COPY

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