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Cont.P.No.256 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P.No.256 of 2021

K.Thirumurugan

... Petitioner

Vs.

1. Mangat Ram Sharma, IAS,
Secretary to Government,
Micro, Small & Medium
Enterprises Department,
Secretariat,
Chennai – 600 009.

2. Anu George, IAS,
Industries Commissioner and Director
of Industries & Commerce,
SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.

...Respondents

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for wilfully disobeying the orders passed in W.P.No.32054 of 2013 dated 22.10.2019.



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For Petitioner : Mr.G.Sankaran, Senior Counsel
For Mr.S.Nedunchzhian

For Respondents : Mr.R.Neelakandan
Additional Advocate General
For Mr.S.Rajesh
Government Advocate

ORDER

This Contempt Petition has been filed to punish the respondents for non compliance of the order dated 22.10.2019 passed by this Court in W.P.No.32054 of 2013, thereby directing the respondents to consider the petitioner for promotion to the post of Deputy Director of Industries and Commerce based on his eligibility and seniority, keeping in mind the second proviso Rule 36 of the Tamil Nadu State & Subordinate Service Rules.

2. The learned Additional Advocate General appearing for the respondents submitted that as directed by this Court, the first respondent passed order on 23.04.2024, thereby include the petitioner's name in the regular panel on par with his junior. He also produced a copy of the order dated 23.04.2024, before this Court.



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WEB COPY 3. The learned Senior Counsel appearing for the petitioner submitted that the now the petitioner has been promoted on par with his junior one S.Maruthappan. However, the said Maruthappan was subsequently promoted to the post of Additional Director, Industries and as such, the petitioner is also entitled for the promotion to the post of Additional Director, Industries.

4. On perusal of the letter dated 29.05.2024 sent by the first respondent revealed that the petitioner's junior the said S.Maruthappan was promoted as Additional Director, during the panel year 2022-2023. But there were seven charges under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, pending as against the petitioner during the said panel year. Among the seven charges, five charges were settled and two charges are pending. Therefore, the petitioner is not entitled for inclusion in the regular panel to the post of Additional Director of Industries and Commerce in Special category of Tamil Nadu Industries Service for the panel year 2022-2023. Accordingly, the order passed by this Court is duly complied



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with and the contempt petitioner is liable to be closed. If any grievance, the petitioner is at liberty to approach the appropriate forum in the manner known to law.

5. Accordingly, this Contempt Petition is closed.

05.06.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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To

1. The Secretary to Government,
Micro, Small & Medium
Enterprises Department,
Secretariat,
Chennai – 600 009.

2. The Industries Commissioner and Director
of Industries & Commerce,
SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
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G.K.ILANTHIRAIYAN, J.

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