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W.P.No.1257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2025

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.1257 of 2024

P.Rudra Kumar

... Petitioner

Vs.

1.The Industries Commissioner &
Director of Industries & Commerce,
Sidco office Building,
Guindy, Chennai – 600 032.

2.The Secretary to Government,
MSME (E1) Department,
Fort St.George, Chennai – 600 009.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the impugned order passed by him in RC No.32821/EE3/2018 dated 18.05.2023 and quash the same and direct the respondents to revise the seniority of the petitioner in the cadre of Deputy Director by placing him about his immediate junior in the seniority list published in GO (D) No.07 MSME (E1) Department dated 22.06.2021 and grant him all consequential service and monetary benefits and grant such other further relief.

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For Petitioner : Mr.M.Muthappan

For Respondents 1 & 2 : Mr.R.U.Dinesh Raj Kumar,
Additional Government Pleader

ORDER

The relief sought in this writ petition is to call for the records of the first respondent in connection with the impugned order passed by him in RC No.32821/EE3/2018 dated 18.05.2023 and quash the same and direct the respondents to revise the seniority of the petitioner in the cadre of Deputy Director by placing him about his immediate junior in the seniority list published in GO (D) No.07 MSME (E1) Department dated 22.06.2021 and grant him all consequential service and monetary benefits and grant such other further relief.

2. Learned counsel for the petitioner would submit that the petitioner entered the service as Junior Assistant in the first respondent department on 23.08.1982 and promoted as Assistant Director during the year 2011 and further promoted as Deputy Director (Administration) Grade-I, in the year 2018. When the petitioner was due for promotion as Personal Assistant (Non-Technical) Grade-II/Assistant Director for the



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year 2007-2008, his promotion was overlooked on the ground that the petitioner has suffered a punishment of stoppage of increment for a period of one year without cumulative effect, which was modified into one of censure based on the order of the second respondent. Against which, the petitioner filed a writ petition in W.P.No.9189 of 2023 and this Court vide its order dated 26.07.2018 quashed the punishment and exonerated the petitioner from the charges. Pursuant to the order of this Court, the petitioner was given promotion to the post of Assistant Director only in the year 2011.

2.1. Thereafter, the petitioner was promoted to Deputy Director (Non-technical) by inclusion of his name for the panel year 2017-18. However, in the petitioner's case, he has to be promoted in pursuance of his revision of seniority in the cadre of Deputy Director (Administration) by inclusion of his name in the panel year 2014-15. But, so far the same was not revised in the cadre of Deputy Director. Thereby, the petitioner made a representations dated 10.01.2023 & 10.04.2023, seeking revision of seniority to the post of Deputy Director and the same was rejected by the first respondent vide order dated 18.05.2023, citing pending



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disciplinary proceedings against the petitioner. Challenging the said order dated 18.05.2023, the petitioner has come forward with the present writ petition.

3. Learned Additional Government Pleader appearing for the respondents would submit that re-fixation of petitioner's seniority was not fixed solely on the ground that the disciplinary proceedings is pending against the petitioner. However, immediately after the conclusion of disciplinary proceedings, the seniority of the petitioner will be fixed, subject to the result of the disciplinary proceedings.

4. Heard the learned counsel on either side and perused the materials available on record.

5. In view of the above submission made by the learned Additional Government Pleader appearing for the respondents, this Court directs the second respondent to conclude the disciplinary proceedings pending against the petitioner within a period of three months from the date of receipt of a copy of this order and fix the seniority of the petitioner to the



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post of Deputy Director, within a period of six weeks thereafter, subject to the result of the disciplinary proceedings.

With the aforesaid directions, this writ petition stands disposed of.

No costs.

03.12.2025

vm

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

To

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M.DHANDAPANI.J,

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