



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.32167 of 2019

N.GANESAN,
Plot No.478, Block No.2,
Mogappair West,
Chennai-600 037

...

Petitioner

/vs/

1. The Government of Tamil Nadu
represented by the Secretary to the Government,
Micro, Small and Medium Enterprises Department,
(Formerly Small Industries Department)
Fort St.George, Chennai-600 009.

2. The Principal Secretary/Industries
Commissioner and Director of Industries
and Commerce, Sidco Office Building,
Guindy, Chennai-600 032.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiaroified Mandamus to call for the records relating to the impugned order of the 2nd respondent in Rc.No.24450/EE3/2018 dated 24.10.2018 and the consequential order of the second respondent in Rc.No.24450/EE3/2018 dated 04.03.2019 and quash the same and grant him notional promotion in the post of Assistant Director of Industries and Commerce (Salt) on completion of 10 years



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service in the post of Inspector of Salt and consequently consider him for promotion to the post of Deputy Director in the Directorate of Industries and Commerce and grant him all service and retirement benefits with due interest

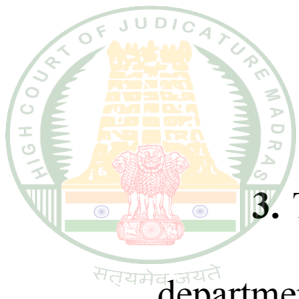
For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.V.Umakanth, Government Advocate.

ORDER

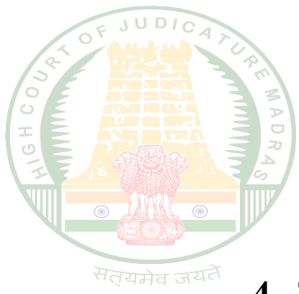
The writ petition has been filed seeking to call for the records relating to the impugned order of the 2nd respondent dated 24.10.2018 in [Rc.No.24450/EE3/2018](#) and the consequential order of the second respondent in [Rc.No.24450/ee3/2018](#) dated 04.03.2019 and quash the same and grant notional promotion in the post of Assistant Director of Industries and Commerce [salt] upon completion of 10 years of service in the post of inspector of salt and consequently consider the petitioner for promotion to the post of deputy director and grant all service and retirement benefits.

2. Heard Mr.P.Manoj Kumar, learned counsel for the petitioner and Mr.V.Umakanth, learned Government Advocate for the respondents and perused the materials available on record.



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3. The petitioner had joined as an Inspector of Salt in the 2nd respondent department and completed his promotion as on 03.05.1995. There is no promotional avenue for the post of Inspector of Salt. In view of the orders passed by the Tamil Nadu Administrative Tribunal in [O.A.No.1334](#) of 2004 on 29.03.2004, a direction was given to the Government to consider the petitioner for promotion to the post of Assistant Director (Salt). As there was no order has been passed subsequently, the petitioner has filed a writ petition in W.P. No. 6437 of 2008 and got a direction on 14.03.2008. Thereafter, an order has been passed by the 1st respondent on 16.12.2008 stating that the request of the petitioner could not be considered as per the existing rules and thereafter, several contempt petitions were filed, the rules were amended and the promotional avenues were created for the post of Inspector of Salt to be promoted to the post of Assistant Director of Industries and Commerce (Salt). A government order has been issued in this regard in G.O.(Ms)No.15, Micro, Small, and Medium Enterprises Department, dated 04.04.2013. And thereafter the Petitioner was promoted to the post of Assistant Director of Industries and Commerce (Salt), and an order has been issued in this regard in G.O.(4D).No.7, Micro, Small and Medium Enterprises Department, dated 27. 2.2014.

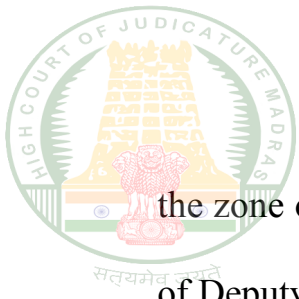


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4. The petitioner completed his probation in the said post of Assistant Director of Industries and Commerce (Salt) on 29.02.2016 and he also claimed notional promotion in the post of Assistant Director of Industries and Commerce (Salt) after his completion of 10 years in the post of Inspector of Salt; his representation was rejected by the 2nd respondent on 24.10.2018 by stating that Assistant Director (Salt) is a solitary post and is not a feeder cadre for promotion to the post of Deputy Director.

5. The learned counsel for the petitioner submitted that in view of the amendment made in the ad-hoc rules as per G.O.(Ms).No.15, Micro, Small, and Medium Enterprises Department, dated 4.4.2013, the post of Assistant Director (Salt) has been introduced as a feeder cadre in the post of Deputy Director of Industries and Commerce (Salt). As the petitioner has completed the 3 years of service in the post of Assistant Director (Salt), he ought to have been considered for the next-level promotional post of Deputy Director (Commerce).

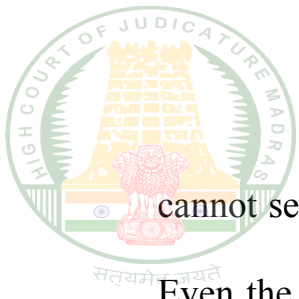
6. The learned Government Advocate for the respondents submitted that there are many persons senior to the petitioner and the Petitioner did not reach



the zone of consideration at all during his service time to be promoted to the post of Deputy Director. It is further submitted that there is no post as Deputy Director (Salt) and even the Salt section in the Directorate of Industries and Commerce itself has been closed and thereafter the petitioner was allowed to work in the Chemical Testing and Analytical Laboratory, Guindy, Chennai.

7. The avenues to the post of Assistant Director itself have been made only by bringing amendment rules in the year 2013 by issuing government order in [G.O.Ms.No.15](#), Micro, Small and Medium Enterprises (E1 1) Department dated 4.4.2013 and thereafter the petitioner has been given with a promotion. Hence the petitioner claims that he should be given retrospective impact for his promotion to the post of Assistant Director (Salt) immediately after his completion of 10 years of service from the post of Inspector (Salt), which cannot be considered.

8. In fact, he had rushed to the Tamil Nadu Administrative Tribunal and the Court only to claim the promotional avenues to be created for persons who are holding the post of Inspector of Salt. Having known that he had the promotional avenue only after the Government Order in [G.O.Ms.No.15](#), Micro, Small, and Medium Enterprises (E1 1) Department dated 4.4.2013, the petitioner



cannot seek any retrospective effect to the promotion in the absence of any rules.

Even the rectification of rules will not arise and the rules themselves are not in existence. Hence, the claim of the petitioner to give him retrospective promotion in the post of Assistant Director (Salt) is something fantastic, and it cannot be granted.

9. The further claim of the petitioner is that he was qualified to be promoted to the post of Deputy Director Industries and Commerce in view of the amendment which has been brought to the service rules in the year 2013. No doubt, the amendment would qualify the persons who have completed 3 years of service in case they are degree holders, 6 years of service for diploma holders, and 5 years for those who possess minimum general education qualification in any of the posts in category III to be promoted / recruited by transfer from any other service for the post of Deputy Director of Industries and Commerce.

10. No doubt, the post of Assistant Director (Salt) comes under the category III of the Tamil Nadu Industries Service. The petitioner is said to have got a degree to be qualified after his completion of 3 years to be considered for the promotion to the post of Deputy Director of Industries and Commerce; he is

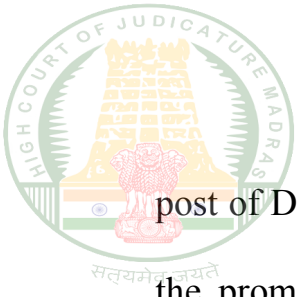


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otherwise found suitable. Merely acquiring the qualification alone is not sufficient for the purpose of getting a promotion unless the suitability of the persons who can reach the zone of consideration is finalized.

11. The petitioner retired from service in the year 2019. In fact, after the Salt section was closed. After the due regulation of the licensing, the petitioner was allowed to continue in service in the Chemical Testing and Analytical Laboratory, Guindy, Chennai. Admittedly, there is no post in the nomenclature of Deputy Director (Salt). If at all the petitioner is considered for any further promotion, that can be to the post of Deputy Director of Industries and Commerce. As the Directorate of Industries and Commerce has several sections, and there will be candidates from each section who have the same qualification of 3 years of service in any of the category III posts, there can be some selection process to finalize who could be the right persons to be entitled to get the promotion to the post of Deputy Director of Industries and Commerce.

12. The petitioner, who had retired from service as on 28.02.2019, had not claimed any such promotion while he was in service. The petitioner had raised the claim after his retirement and during that time, though his suitability to the



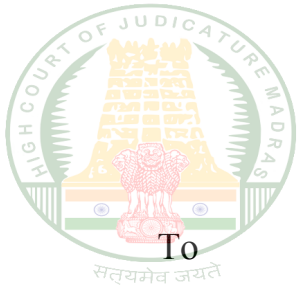
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post of Deputy Director of Industries and Commerce cannot be considered. As to the promotion to any higher-level post, it would not come automatically just because someone acquires the minimum eligibility; that will not compel the respondents to post the said person in the promotional post even after the petitioner has retired from service. Hence, the petitioner's claim is not feasible to be considered, and it is right for the respondents to dismiss his representation.

In the result, the writ petition stands **dismissed**. No costs. Consequently the connected miscellaneous petition, if any, is also closed.

14.03.2025

Index : Yes
Internet : Yes/No
Speaking: Non speaking order
Neutral: Yes:No.
jrs



To

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Government of Tamil Nadu
Micro, Small and Medium Enterprises Department,
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Fort St.George, Chennai-600 009.

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R.N.MANJULA, J.
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