



WEB COPY

WP No. 7849 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-01-2026**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**W.P No. 7849 of 2024 and  
WMP No. 8801 OF 2024**

Dr.R.Kannan  
S/o.S.Ramasamy, Chief Executive  
Officer,  
Tamil Nadu Coir Business  
Development Corporation,  
No.25, Avinashi Road, Civil Aerodrome  
PO, Coimbatore-641 014.

Petitioner

Vs

1. The State Of Tamil Nadu,  
Rep. by its Secretary to Government,  
Micro, Small and Medium  
Enterprises Department, Secretariat,  
Fort St. George,  
Chennai-600 009.

2.The Industries Commissioner and  
Director of Industries and  
Commerce,  
Thiru.Vi.Ka.Industrial Estate,  
Guindy,  
Chennai-600 032.

Respondents

**PRAYER:**

Writ Petition filed under Article 226 of the Constitution of India praying to  
issue Writ of Certiorarified Mandamus to call for the records relating to the



impugned order issued by the 1st respondent in G.O. (2D) No.24 Micro, Small and Medium Enterprises [EI (1)] Department dated 11.12.2023 and to quash the same in so far as the Petitioner is concerned, and consequently direct the Respondents to promote the petitioner to the post of Joint Director of Industries and Commerce (Engineering) in accordance with 2021- 22 panel approved in G.O. (2D). No.09 Micro, Small and medium Enterprises [EI (1) ] Department dated 28.09.2022, on par with junior, with all consequential and other service benefits, within a time frame to be fixed by this Court.

For Petitioner: Mr.G.Sankaran  
Senior Counsel  
for S.Nedunchezhiyan

For Respondents: Mr.R.U.Dinesh Kumar  
Additional Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the order passed by the 1st respondent in G.O. (2D) No.24 Micro, Small and Medium Enterprises [EI (1)] Department dated 11.12.2023 and to quash the same in so far as the Petitioner is concerned, and consequently direct the Respondents to promote the petitioner to the post of Joint Director of Industries and Commerce (Engineering) in accordance with 2021- 22 panel approved in G.O. (2D). No.09 Micro, Small and medium Enterprises [EI (1) ] Department dated 28.09.2022, on par with junior, with all consequential and other service benefits, within a time frame to



be fixed by this Court.

2. The brief facts of the case in a nutshell are as follows:

(a) The petitioner was initially appointed as Assistant Engineer (Industries) by direct recruitment through TNPSC in the Department of Industries and Commerce on 10.06.1996 and subsequently promoted as Assistant Director (Technical) in October 2008 and thereafter as Deputy Director (Technical) in March 2013. The next avenue of promotion is to the post of Joint Director of Industries and Commerce (Engineering).

(b) The 1<sup>st</sup> Respondent issued orders in G.O(2D).No.09 dated 28.09.2022 approving the regular panel for the post of Joint Director of Industries and Commerce (Engineering), wherein the Petitioner's name is included in the first place as senior most eligible person, but no promotion order was issued by the 1<sup>st</sup> Respondent.

(c) In the meanwhile, based on anonymous complaint, the Petitioner's name was implicated in the charge memo on three counts as per charge memo dated 24.01.2023 alleging that there was demand of money in the matter of forwarding recommendations for sanction of loan under Self Employment Scheme to the Commercial Banks through an agent T.Rajeshkumar.



(d) For the panel year 2021-22, the crucial date was 15.04.2022 and on that date, the petitioner was fully qualified and eligible for inclusion in the panel for the year 2021-22, as no charges were pending against him.

(e) The Petitioner submitted a representation to the respondents 1 and 2 requesting for promotion to the post of Joint Director of Industries and Commerce (Engineering) in operation of the panel, but the same was not considered.

(f) Whereas, the 1<sup>st</sup> Respondent issued the impugned order in G.O(2D).No.24 dated 11.12.2023 revising the panel for the year 2021-22 as per which it is ordered to delete the name of petitioner from the panel for the post of Joint Director for 2021-22 and to include the name of one Tmt. P.Mariammal who was not included in the earlier approved panel dated 28.09.2022 consequent to dropping of charges framed against her.

(g) Consequently, one Thiru. K.Marimuthu who is junior to the Petitioner in the feeder post in Sl.No.2 in the approved panel given promotion to the post of Joint Director in violation of seniority in the approved panel. Being aggrieved, the petitioner has filed this Writ Petition seeking for the aforesaid



3. The learned counsel appearing for the petitioner would submit that the 1<sup>st</sup> respondent vide the impugned order dated 11.12.2023, deleted the name of the petitioner from 2021-22 panel which was approved in G.O.(2D)No.09 dated 28.09.2023 and therefore the same suffers from violation of principles of natural justice. He therefore prays to set aside the same.

5. A detailed Counter Affidavit has been filed on behalf of the respondents. In paragraph 6, 7 and 8 of the Counter Affidavit, the Respondents have stated as follows:

“6. With regard to the averments made by the petitioner in paragraph 6 of the affidavit, it is submitted that after approval of the above said panel, promotion and posting orders will be issued by the Appointing Authority only after ascertaining the following facts:

(i) Whether the name of the individual approved in regular panel is fully qualified, as per Section 7(1) of the Tamil Nadu Government Servants (Conditions and Services) Act, 2016, (Tamil Nadu Act 14 of 2016) and Special Rules for Tamil Nadu Industries Service as on date for promotion.

(ii) No seniors and fully qualified persons from the feeder categories are left out.



(iii) No Disciplinary Proceedings/Criminal Cases/Directorate of Vigilance and Anti Corruption Cases/Punishment are pending as on date and also no adverse remarks against the individual for the past 5 years.

As CDP enquiry is pending against the petitioner during recommendation for promotion, the name of the petitioner could not be considered as per Section 7(1)(II) (3), Schedule XI of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 “*the name of a member of service shall not be considered for inclusion in the approved list, if any enquiry is pending against him in the Tribunal for Disciplinary Proceedings*”.

7. With regard to averments made by the petitioner in paragraph 7 of the affidavit, it is submitted that, as the incidents occurred during the year 2018-2019 and based on the confidential note received from the appropriate investigation authority, the Commissioner for Disciplinary Proceedings, Coimbatore was directed to conduct an enquiry into the substantiated allegations against the petitioner (AO-3) under the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 vide 1<sup>st</sup> Respondent Confidential Letter No.351/EII(2)/2021-13, dated 27.10.2022. Accordingly, the Commissioner for Disciplinary Proceedings, Coimbatore have filed a TDP Case No.07/2022 vide Ref.No.483/2022/A1, dated 23.01.2023 and framed charges against the AO-3(Petitioner) as detailed below:

“1. The petitioner Thiru.R.Kannan (Accused Officer



3) *General Manager at District Industries Centre, Coimbatore during the period from 05.06.2018 to 26.09.2019 demanded and accepted Rs.36.000/- from Thiru.Gunasekaran, S/O.Ayyavu, Proprietor of Next Automation, 61/B-Lottary Thottam, Chinnavedampatti, Coimbatore for selecting him in interview through an Agent Thiru.Rajeshkumar, who had obtained the said amount at District Industries Centre on 16.08.2018 at about 2.00 P.M.*

2. *Further the petitioner (AO-3) demanded and accepted Rs.25,000/- from P.Gowthaman, S/o Palanisamy Proprietor of Sree Murugan Engineering, 7/44-11, Iyyappa Nagar, Thadagam Road, Kanuvai, Coimbatore through Tmt.Brindadevi, (AO-4) for selecting him in interview. AO-4 obtained the said undue advantage of Rs.25,000/- on 25.01.2019 at the office of DIC, Coimbatore at about 12.30 P.M.*

3.*Further, the petitioner (AO-3) committed irregularity by approving the inspection report of Tmt.Brindadevi (AO-4), who had rejected the application of Tmt.Jayalakshmi, Proprietor of M/s.Muthu Poly Products, Pioneer Mill School Road, Jothipuram, Coimbatore as ineligible for capital subsidy as the husband of the petitioner Thiru.Loganathan had refused to give undue advantage of Rs.88,000/- demanded by Tmt.Brindadevi (AO-4) and Thiru.Shanmugasiva (AO-6) for themselves and on behalf of petitioner (AO-3)."*

8. With regard to the averments made by the petitioner in paragraph 8 of the affidavit, it is submitted that, eventhough



petition is anonymous, the Hand Book of Confidential Circulars 2005, Chapter IV, Rule A, action on anonymous and Pseudonymous Petitions, under clause (ii) states that, *“whenever such a reference to the petitioner is not possible and whenever the reference made to the petitioner is returned undelivered, even then, if the petition contains any specific allegation capable of being looked into and verified, action may be taken on such a complaint or petition irrespective of the fact that it is anonymous or pseudonymous”*. Hence, the name of the petitioner could not be considered since the basis for charges is valid as per the above rule.”

6. By reiterating the above averments made in the counter affidavit, the learned Additional Government Pleader would submit that the name of the petitioner could not be considered to the post of Joint Director of Industries and Commerce (Engineering). Further, he would submit that on the crucial date i.e., on 15.04.2021, though the petitioner was eligible for consideration to the post of Joint Director of Industries and Commerce (Engineering) for the panel year 2021-2022, before issuing the posting order, based on the recommendations of the appropriate investigation authority, the 1<sup>st</sup> respondent has referred the case to the Commissioner for Disciplinary Proceedings, Coimbatore and the Commissioner for Disciplinary Proceedings, Coimbatore has filed a TDP case No.07/2022 against the petitioner and hence the name of the petitioner could not



be considered as per Section 7(1)(II)(3), Schedule XI of the Tamil Nadu Government Servants (Conditions of Service) Act 2016, (Tamil Nadu Act 14 of 2016) and since TDP is a bar for empanelment of petitioner, the next peeson in the panel viz., Thiru.Marimuthu, has been considered and issued posting order. Due to dropping of charges of Tmt.P.Mariamammal, who is senior to the petitioner, she was considered for inclusion in the panel. Therefore, it cannot be said that order passed by the 1<sup>st</sup> respondent suffers from violation of principles of natural justice.

6.1. He further contended that the name of the petitioner will be considered and restored in the panel subject to the outcome of the case in the Tribunal for Disciplinary Proceedings. He therefore prays to set aside the same.

7. Heard both sides. Perused the records.

8. It is not in dispute that the petitioner entered service as Assistant Engineer (Industries) on 10.06.1996 and subsequently promoted as Assistant Director (Technical) in October 2008 and later promoted as Deputy Director (Techincal) in March 2013 and his name was also included in the panel for promotion to the post of Director of Industries and Commerce (Engineering) for the year 2021-2022. Though the petitioner is eligible for promotion to the



aforesaid post as on 15.04.2021, since a case has been filed by the Commissioner for Disciplinary Proceedings, Coimbatore in TDP case No.07/2022 on 23.01.2023, alleging that during the period from 05.06.2018 to 26.09.2019, the petitioner demanded and accepted a sum of Rs.36,000/- from Thiru.Gunasekaran for selecting him in interview and that apart he demanded and accepted a sum of Rs. 25,000/- from P.Gowthaman for selecting him in interview and also committed irregularity by illegally approving the inspection report of Tmt.Brindadevi and since the aforesaid allegations made against the petitioner are serious in nature, the petitioner could not considered for promotion as per Section 7(1)(II)(3), Schedule XI of the Tamil Nadu Government Servants (Conditions of Service) Act 2016 and therefore the next person in the panel viz., K.Marimuthu has been considered and issued appointment Order to the aforesaid post and one Tmt.P.Mariammal who is senior to the petitioner was considered for inclusion in the panel due to dropping of charges framed against her vide order dated 14.07.2023.

9. In the light of the aforesaid discussions, the prayer sought for by the petitioner cannot be granted and this Writ Petition is liable to be dismissed and accordingly dismissed. However, the petitioner is at liberty to approach the concerned Authority, seeking inclusion of his name in the panel for the panel year 2021-22, if he is exonerated from the charges, in the disciplinary



proceedings pending against him.

No costs. Consequently, connected

Miscellaneous Petitions are closed.

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**02-01-2026**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.The State Of Tamil Nadu

Rep By Its Secretary To Government,  
Micro, Small And Medium Enterprises  
Department, Secretariat, Fort St.  
George, Chennai-09.

2.The Industries Commissioner And  
Director

Of Industries And Commerce,  
Thiru.Vi.Ka.Industrial Estate, Guindy,  
Chennai-032.



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WP No. 7849 of 2024



**M.DHANDAPANI, J.**

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**WP No. 7849 of 2024  
and WMP NO. 8801 OF  
2024, WMP NO. 8802 OF  
2024**

**02-01-2026**