

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28531/2015 & MP.No.1/2015

R.Rajapandian

... Petitioner

Versus

1.The Deputy Commissioner [Commercial Tax]
zone-III Commercial Tax Department
Commercial Tax Building, Greams Road
Chennai 600 006.

2.The Assistant Commercial [Commercial Tax]
Commercial Tax Department,
Chozhavaram Assessment Circle
Chozhavaram, Chennai 600052.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorari calling for the records of the impugned order passed by the 1st respondent in Na.Ka.Aa1/1923/2015 dated 24.07.2015 and quash the same .

For Petitioner : M/s.Svaak Legal

For RR 1 & 2 : Mr.A.N.R.Jayaprathap, GA [Taxes]

O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that he is working as Office Assistant and he has been subjected to frequent transfers and vide order dated 27.03.2015, he was transferred from Chozhavaram Assessment Circle to Madhurantakam Assessment Circle and the petitioner, on receipt of the above said transfer order, has immediately approached the Commissioner, Commercial Tax Department on 01.04.2015 and submitted a representation pointing out that he can be transferred only within the Chennai District and not outside and thereafter, applied for leave. The petitioner has also approached the Joint Commissioner, Commercial Tax [South Division], with regard to his grievance and he was informed that a complaint dated 23.06.2015 has been given by the officer working at Puzhal Check Post before M3 Puzhal Police Station against him and the same is pending. According to the petitioner, he has never involved himself in the commission of any criminal offence and he was not at all went to the said Police Station for enquiry. But to

his shock and surprise, the 1st respondent has passed an order of suspension on 24.07.2015 alleging that on 17.06.2015, the petitioner threatened the duty officer and staffs of the Puzhal Check Post. The petitioner has also approached the office of the Inspector of Police, M3 Puzhal Police Station and got a certificate dated 14.08.2015 stating that the petitioner has got come to any adverse notice in the said police station and also submitted a representation dated 14.08.2015 for reviewing/revoking the order of suspension, to the 1st respondent and since no orders have been passed, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that even in the representation, the communication issued by the Inspector of Police, M3 Puzhal Police Station dated 14.08.2015 has been enclosed and since the petitioner has not involved himself in the commission of any criminal offence and that the allegations levelled against him in the impugned order of suspension are also false and concocted, he should be reinstated in service without any delay.

4 Heard the submissions of Mr.A.N.R.Jayaprathap, learned Government Advocate [Taxes] who accepts notice on behalf of the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 14.08.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Asst.Registrar (CS IV)

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/true copy/

Sub Asst. Registrar

AP

To

1.The Deputy Commissioner [Commercial Tax]
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2.The Assistant Commercial [Commercial Tax]
Commercial Tax Department,
Chozhavaram Assessment Circle
Chozhavaram, Chennai 600052.

+1 cc to M/s.Svaak Legal, Advocates, sr.49395
+1 cc to The Special Government Pleader (T), sr.49413

W.P.No.28531/2015

ts co
kra 25/09



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