

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30323 of 2015

S.Thaniasarasu

... Petitioner

Vs.

- 1 The Principal Secretary
Commissioner of Commercial Taxes Chennai
Chepauk Chennai-05
- 2 Joint Commissioner(CT)
Trichirapalli Division Commercial Taxes
Building Cantonment Court Campus
Trichy - 620 001
- 3 Deputy Commissioner (CT)
Trichy Trichirapalli Division Commercial
Taxes Building Cantonment Court Campus
Trichy - 620 001

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st Respondent The Principal Secretary/Commissioner of Commercial Taxes, Chennai Chepauk, Chennai - 600 005 to dispose of the petitioner's representations dated 16.04.2014 and 16.03.2015 within 2 weeks.

For Petitioner : Ms.Pushpa Menon
For Respondents : Mr.A.N.R.Jaya Prathap
Government Advocate (Taxes)

ORDER

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

2.The petitioner joined duty in the services of Commercial Tax Department as Typist and the services were regularised with effect from 25.06.1984 and was given posting in the regular post of Assistant on 15.03.1994. The petitioner would state that one Thiru.E.Prabakaran joined as Junior Assistant and his services were regularised with effect from 25.06.1984 in the Commercial Tax Department and posted in the

regular post of Assistant in the year 1998 as against the date of posting of the petitioner on 15.03.1994 and as such the petitioner is senior to him. The claim of the petitioner is that he ought to have been included in the Assistant list of 1994 itself and he is also senior to Thiru.E.Prabakaran and consequently entitled to promotion to the post of Assistant Commercial Tax Officer (now called as Deputy Commercial Tax Officer).

3.In this regard, his claim was also considered by the third respondent who vide proceedings in Rc.No.1016/2015 B4 dated 13.02.2015 addressed to the second respondent made a positive recommendation that the name of the petitioner shall be placed above Thiru.E.Prabakaran. The grievance expressed by the petitioner is that inspite of such positive recommendation, the first respondent did not act so far and placed Thiru.E.Prabakaran above him and consequently, he may loose the chance of promotion to the next post and in this regard, submitted a representation dated 16.03.2015 to the first respondent through proper channel and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Ms.Pushpa Menon, learned counsel appearing for the petitioner and Mr.A.N.R.Jaya Prathap, learned Government Advocate (Taxes) who accepts notice on behalf of the respondents.

5.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioner's representation dated 16.03.2015 on merits and in accordance with law after taking note of the proceedings of the third respondent dated 13.02.2015 addressed to the second respondent and after putting on notice, Thiru.E.Prabakaran and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to Thiru.E.Prabakaran.

6.The writ petition is disposed of accordingly. No costs.

-sd/-

ASSISTANT REGISTRAR

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

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To

- 1 The Principal Secretary
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Chepauk Chennai-05
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+1 CC to MR.Pushpa Menon ADVOCATE. SR.NO. 52337
+1 CC to Special Govt.Pleader. SR.NO. 52449

W.P.No.30323 of 2015

CO-EV
JD 09/10/2015



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