

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 18688 of 2016

and

W.M.P. No. 16339 of 2016

P. Rajkumar

Assistant

O/o. Ponneri Assessment Circle

Commercial Tax Department

Kacheri Street 4th Lane

Ponneri - 601 204

... Petitioner

-Versus-

1. The Commissioner of Commercial Taxes

Commercial Taxes Department

Ezhilagam, Chepauk

Chennai - 600 005

2. The Joint Commissioner

Commercial Taxes Department

North Division, PAPJM Buildings

Greams Road, Chennai - 600 006

... Respondents

Petition filed under Article 226 of The Constitution of India praying for issuing a Writ of Mandamus directing the respondents to include the name of the petitioner treating the petitioner as qualified as on 01.03.2016 to be recruited through transfer to the post of Deputy Commercial Tax Officer in the temporary panel or list of Deputy Commercial Tax Officers for the year 2016 on par with his junior Thiru. D. Muruganandam, S.I. No. 13 in the temporary panel of Assistant drawn for the year 2013 viz., Rc.No.1604/2013/A1 dated 13.09.2013.

For Petitioners : Mr.K.Krishnamoorthy

For Respondents : Mr. Kanmani Annamalai

Additional Government Pleader

ORDER

The petitioner was appointed as Typist through Tamil Nadu Public Service Commission on 27.10.2010 and his services were regularised on 10.12.2010 by an order dated 17.04.2014 passed by the second respondent. According to the petitioner, even though he is entitled to be promoted to the post of Assistant even in the year 2013, he was not given promotion on the ground that he was not deputed to undergo the requisite training for

Junior Assistant. The petitioner therefore filed WP No. 15745 of 2014 before this Court for a Mandamus directing the second respondent to include his name in the promotional panel drawn for the year 2013 and to promote him as Assistant on par with his juniors with all attendant benefits. During the pendency of the writ petition, the first respondent, in his proceedings dated 22.07.2015 directed the second respondent to include the name of the petitioner in the panel drawn for Assistant during the year 2013 and to promote him as Assistant on par with his immediate junior. Based on the same, the second respondent, by a proceedings dated 04.11.2015 placed the name of the petitioner in the temporary panel drawn for promotion to the post of Assistant during the year 2013 in serial No.9 (a). From that date, the petitioner has been working as Assistant, however, the monetary benefits arising out of such promotion has not been given to him.

2. The grievance of the petitioner is that the first respondent issued a Circular dated 22.01.2016 calling upon the second respondent to send a list of names of approved candidates working as Assistant to be recruited through transfer to the post of Deputy Commercial Tax Officer. Even though a proposal was sent by the second respondent, the name of the petitioner was not included thereon, rather, the juniors of the petitioner's were included in the list. The petitioner has therefore filed this writ petition praying for a Writ of Mandamus as mentioned above.

3. I heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents. When the writ petition is taken up for hearing today, the learned Additional Government Pleader, on instructions, submitted that the inclusion of the name of the petitioner will be considered by the respondents at the appropriate time when the panel will be drawn from among the Assistants fit for promotion to the post of Deputy Commercial Tax Officers.

4. Recording the said statement made by the learned Additional Government Pleader, the writ petition is disposed of as no further order is necessary. No costs. Consequently, connected miscellaneous petition is closed.

rsh

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Commercial Taxes
Commercial Taxes Department
Ezhilagam, Chepauk
Chennai - 600 005.

2. The Joint Commissioner
Commercial Taxes Department
North Division, PAPJM Buildings
Greams Road, Chennai - 600 006.

+ 1 cc to Mr.K.Krishnamoorthy, Advocate Sr 33510

KR/13/7/16

WP.No.18688 of 2016



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