IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20011 of 2016
and
WMP.No.17250 of 2016

B.Vimala .. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai -600 009.

2.The Principal Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai -600 005. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to promote the petitioner to the Post of Deputy Commissioner (Commercial Taxes) from Assistant Commissioner (Commercial Taxes) in terms of the representations dated 04.04.2016 and 30.05.2016 given to the respondents by the petitioner.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.Kanmani Annamalai,
Addl.Govt.Pleader



ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner has filed this writ petition for a Mandamus, directing the respondents to promote the petitioner to the Post of Deputy Commissioner (Commercial Taxes) from the post

of Assistant Commissioner (Commercial Taxes) by considering her representations dated 04.04.2016 and 30.05.2016.

3. It is the case of the petitioner that she was selected to the Post of Commercial Tax Officer by Tamil Nadu Public Service Commission. After completion of training, she was posted as Commercial Tax Officer, Vellore (North) Assessment Circle and then Commercial Tax Officer, Vellore (Rural) Assessment Circle, Vellore and she joined the said post on 26.07.2005. While so, she was transferred from Vellore to Pudukottai by the proceedings of the second respondent dated 07.02.2007, which was challenged by the petitioner by way of WP.No.4929 of 2007. Subsequently, the petitioner has withdrawn the said writ petition and the transfer order was cancelled and she was given a posting at Kancheepuram. In the mean while, she was issued with a charge memo dated 09.02.2007, which culminated into an order in G.O.(2D) No.43, Commercial Taxes and Registration Department dated 12.04.2010 imposing the punishment of stoppage of increment for three years with cumulative effect. Challenging the same, she filed a Review Petition before the Government on 15.05.2010 and 06.08.2010 and the same were pending till 04.03.2016.

4. It is the further case of the petitioner that the second respondent issued another charge memo on 31.12.2007, which ended in the order in G.O.(2D) No.125 Commercial Taxes and Registration Department dated 16.08.2011, imposing the punishment of stoppage of increment for two years with cumulative effect. Challenging the same, the petitioner filed WP.No.2899 of 2012 and the same is pending. In the mean while, the Government had set aside the order dated 12.04.2010 imposing punishment of stoppage of increment for the period of three years, in the review petition.

5. Now, the grievance of the petitioner is that though she is eligible for promotion to the Post of Deputy Commissioner for the year 2013 onwards, her name was not included in the seniority list drawn for the year 2015 by the second respondent. Hence, she made representations dated 04.04.2016 and 30.05.2016 to the second respondent, requesting to promote her to the Post of Deputy Commissioner (Commercial Taxes). Since the said representations are yet to be disposed of, the petitioner has come up with the present writ petition for the above stated relief.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

7. Considering the scope of the prayer sought for herein, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent to consider the representations of the petitioner, dated 04.04.2016 and 30.05.2016 by affording an opportunity of personal hearing to the petitioner and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

8. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

rk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai -600 009.

2.The Principal Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai -600 005.

+ 1 cc to Mr.C.S.Saravanan, Advocate Sr 36786

+ 1 cc to The Spl.Govt.Pleader (Taxes), High Court, Mds-104.
Sr 37541

KR/12/7/16 W.P.No.20011 of 2016