

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.38946 of 2015
and 28046 of 2014

S.Umamaheswari ... Petitioner
in WP:38946/2015

P.Jesu Arockiaraj ... Petitioner
in WP:28046/2014

vs.

1. The Government of Tamil Nadu
rep. by its Secretary
Commercial Taxes and Registration Department
Secretariat, St. George Fort
Chennai.
2. The Commissioner of Commercial Taxes Department
Ezhilagam, Chepauk, Chennai.
3. The Joint Commissioner (Admn)
O/o. The Commissioner of Commercial Taxes Department
Chepauk, Chennai - 600 005.
4. P.Rajmohan
5. V.Boopalan
6. S.Manivannan
7. V.S.Ramesh
8. V.Hemamalini
9. K.Alagusamy
- 10.G.Krishnakumar
- 11.C.Vasuki
- 12.Gopinath ... Respondents

PRAYER in W.P.No.38946 of 2015: Petition under Article 226 of the Constitution of India for issuance of a writ of Declaration declaring Rule 6(d) of the Tamilnadu Commercial Taxes Subordinate Service Rules ultra vires as it stood prior to the amendment dated 3.11.2015 as offending Article 14 and 16 of the Constitution of India in so far as it requires a minimum of 6 years of service in the case of Direct recruit Assistants for the selection to the post of Assistant Commercial Tax Officer

(Now Deputy Commercial Tax Officer) ACTO (Now DCTOs) and consequently direct the official respondents to include the petitioner in the panel drawn on 10.1.2012 bearing Proc. No.P2/30462/2011 with all consequential benefits and award costs.

PRAYER in W.P.No.28046 of 2014: Petition under Article 226 of the Constitution of India for issuance of a writ of Declaration declaring Rule 6(d) of the Tamilnadu Commercial Taxes Subordinate Service Rules ultra vires as offending Article 14 and 16 of the Constitution of India in so far as it requires a minimum of 6 years of service in the case of Direct recruit Assistants for the selection to the post of Assistant Commercial Tax Officer (Now Deputy Commercial Tax Officer) and consequently direct the official respondents to include the petitioner in the panel drawn on 10.1.2012 bearing Proc. No.P2/30462/2011 with all consequential benefits and award costs.

For Petitioners : Mr.V.Prakash
in both writ petitions Senior Counsel
for Mr.K.Krishnamoorthy

For Respondents : Mr.S.Kanmani Annamalai
in both writ petitions Addl. Government Pleader
(Taxes)
for respondents 1 to 3
No appearance
for respondents 4 to 12

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The learned counsel appearing for respondents 1 to 3 states that he has received instructions that the case of the two petitioners is liable to be considered favourably and necessary orders will be passed within one month from today.

2. We take the aforesaid statement on record and these petitions are, accordingly, disposed of leaving the question of law open. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary to Government
Government of Tamil Nadu
Commercial Taxes and Registration Department
Secretariat, St. George Fort
Chennai.
2. The Commissioner of Commercial Taxes Department
Ezhilagam, Chepauk, Chennai.
3. The Joint Commissioner (Admn)
O/o. The Commissioner of Commercial Taxes Department
Chepauk, Chennai - 600 005.

+2 cc's to Mr.K.Krishnamurthy,advocate,sr.68034

+1 cc to Spl.Govt.Pleader,sr.68287.

krd 30/11

W.P.Nos.38946 of 2015
and 28046 of 2014



23.11.2016

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