



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.12.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.999 of 2016

1. P.Sivakumar
2. M.Ganesan
3. T.Dandapani
4. K.Vasanth
5. S.Karthikeyan
6. R.Raja Asan Maideen

... Petitioners

-vs-

1. The Commissioner,
(Commercial Tax Office)
Ezhilagam, Chepauk,
Chennai-600 005.
2. The Joint Commissioner
(Commercial Tax) North Taluk,
Dr.Thangaraj Salai,
Commercial Tax Complex,
Madurai-625 020.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned seniority list as on 15.3.2015 and the impugned temporary panels of the 2nd respondent in Roc.No.A5/1103/2015 dated 14.09.2015 published on 28.9.2015 and in Roc.No.A5/1103/2015 dated 14.09.2015 published on 25.11.2015 quash the same in so far as non-inclusion of the petitioners concerned in the panel for promotion of the petitioners as on 15.03.2015 and consequently direct the respondents herein to promote the petitioners herein as Assistant as on 15.03.2015 as per rule of seniority and promotion.

For Petitioners : Mr.K.Appadurai
For Respondents : Mr.R.Karthikeyan
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to quash the impugned seniority list as on 15.03.2015 as well as the impugned temporary panels of the 2nd respondent in Roc.No.A5/1103/2015 dated 14.09.2015 published on 28.9.2015 and in Roc.No.A5/1103/2015 dated 14.09.2015 published on 25.11.2015. The petitioners also sought a direction to the respondents herein to promote the petitioners as Assistant as on 15.03.2015 as per rule of seniority and promotion.

2. The case of the petitioners is that the 2nd respondent has issued the two impugned panels dated 14.09.2015, aggrieved by the respondents herein the petitioners submitted objections to the respondents on 19.08.2015, 15.10.2015, 11.11.2015, 12.11.2015 and 17.11.2015 to the effect that 14 persons, who were juniors to them, apart from the fact that they failed to complete the departmental test or probation before the crucial date fixed as on 15.03.2015, have



been promoted ignoring their seniority and eligibility for promotion.

3. The respondents have filed a counter stating that the panel is valid only for a period of one year and the period is already over; that the petitioners have made representations and upon scrutinizing the same, if they are found eligible for promotion for the year 2015, the case of the petitioners would certainly be considered on merits and in accordance with law.

4. Heard the learned counsel on either side.

5. The respondents have fairly submitted that the petitioners would be given promotion, if they are otherwise eligible and the entire panel will be reconstituted for consideration of promotion to the eligible candidates, including the petitioners herein.

6. In view of the above submission, the respondents are directed to consider the representations of the petitioners dated 21.09.2015 and 15.10.2015 and other subsequent representations and after considering the objections of other persons, if any, pass further orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order, preferably on or before 31.03.2017.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar[CO]

/True copy/

Sub Assistant Registrar

To:

1. The Commissioner,
(Commercial Tax Office)
Ezhilagam, Chepauk,
Chennai-600 005.
2. The Joint Commissioner
(Commercial Tax) North Taluk,
Dr.Thangaraj Salai,
Commercial Tax Complex,
Madurai-625 020.

+1cc to Mr.K.Appadurai Advocate,SR.83089/10

+1cc to Special Government pleader,SR.83159

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