

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2017

CORAM

The Hon'ble Mr. Justice M. Sathyanarayanan

W.P.No.4341 of 2017

R.Renganayagi

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Additional Chief Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai- 600 009.
2. The Commissioner of Commercial Taxes,
Chepauk, Chennai - 600 005. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 17.02.2017, for promoting the petitioner to the post of Administrative Officer in the Office of the second respondent and pass orders within a stipulated time.

For Petitioner : Mr.R.Prem Narayan

For Respondents: Mr.S.Kanmani Annamalai
Additional Govt Pleader (Taxes)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. Mr.S.Kanmani Annamalai, learned Additional Government Pleader (for Taxes) accepts notice on behalf of respondents.

3. The petitioner was recruited through the Tamil Nadu Public Service Commission, and got her appointment as Typist, and joined the said post on 20.02.1986 and claims that, she had cleared all the departmental tests. Thereafter, she was promoted to the post of Assistant on 04.01.1994 and got further promotion as Superintendent on 03.08.2005 and the next avenue of promotion is to the post of Administrative Officer. It is further averred by the petitioner that, as per the Revised Panel List to the post of Superintendent for the year 2005, issued by

the second respondent, the petitioner's name is placed in S.1.No.5, as per seniority. Whiles, the first respondent had passed an order, vide G.O.(D)No.375 of Commercial Taxes and Registration (E2) Department, dated 21.10.2016, fixing the estimated vacancy of Administrative Officer, in the Office of the Additional Chief Secretary/Commissioner of Commercial Taxes, Chennai for the year 2016-2017. Since the petitioner is eligible to be considered for promotion to the post of Administrative Officer, and that, she is also going to retire from services on 28.02.2017, she submitted a representation, dated 17.02.2017, to the respondents, requesting them to promote her to the post of Administrative Officer. Though it was received and acknowledged, so far, no orders have been passed. Hence, she has come forward to file this Writ Petition.

4. Mr.R.Prem Narayan, the learned counsel for the petitioner would submit that, in the light of the fact that the petitioner is going to retire from service on 28.02.2017, she is constrained to approach this Court, seeking appropriate direction, directing the respondents to promote her to the post of Administrative Officer, and prays for appropriate orders.

5. Per contra, the learned Additional Government Pleader for respondents would submit that, admittedly, the petitioner has submitted her representation only on 17.02.2017, and within the span of five days, she has approached this Court, and he would further submit that, of course, the petitioner is having right to be considered for promotion, but, she cannot insist upon that she should be promoted within the stipulated time limit.

6. This Court considered the rival submissions, and also perused the materials placed before it.

7. In the light of the above facts and circumstances of the case, though the petitioner prays for larger relief, this Court directs the second respondent to consider the petitioner's representation, dated 17.02.2017, on merits and in accordance with law and pass orders, within a period of eight weeks from the date of receipt of a copy of this order, and communicate the decision to the petitioner.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Additional Chief Secretary to Government,
State of Tamilnadu,
Commercial Taxes and Registration Department,
Fort St. George, Chennai- 600 009.
2. The Commissioner of Commercial Taxes,
Chepauk, Chennai - 600 005.

+1 cc to M/s.R.Prem Narayan,advocate,sr.11084.

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krd 23/2

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