

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4402 of 2017

C.Manimozhi

.. Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 600 009.

2. The Principal Secretary,
Commissioner of Commercial Taxes,
Chepauk, Chennai - 600 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of MANDAMUS, directing the first respondent to consider the representation of the petitioner dated 10.01.2017 and pass orders on the same in regard to promotion as Deputy Commissioner of Commercial Taxes as per the Government Order issued in G.O.Ms.No.40, Commercial Taxes and Registration (E2) Department, dated 10.03.2015.

For Petitioner : Mr.G.Elanchezhiyan

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

O R D E R

Heard Mr.G.Elanchezhiyan, learned counsel appearing for the petitioner and Mr.S.Kanmani Annamalai, learned Additional Government Pleader (Taxes) appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage.

2.The sole grievance set out in the writ petition is that the writ petitioner was denied his right of promotion to the post of Deputy Commissioner of Commercial Taxes.

3.The writ petitioner was initially appointed as Junior Assistant, promoted to the post of Assistant, thereafter as Assistant Commercial Tax Officer and to the post of Deputy Commercial Tax Officer. Now, he claims that he is eligible to hold the post of Deputy Commissioner of Commercial Taxes.

4.The writ petitioner submits that the name of his junior was considered along with his name and the Government also issued orders in G.O.Ms.No.40, Commercial Taxes and Registration (E2) Department, dated 10.03.2015. In this regard, the writ petitioner has submitted a representation to the respondents with a request to implement the said Government Order, so that he can be promoted as Deputy Commissioner of Commercial Taxes. Though the aforesaid representation was submitted on 10.01.2017, till date he has not received any reply from the respondents. The writ petitioner apprehends that deferring his name, the respondents may consider the name of his junior and therefore, he pleaded for appropriate direction from this Court.

5.At this juncture, the learned Additional Government Pleader (Taxes) appearing for the respondents submitted that the very Government Order issued by the Government in G.O.Ms.No.40, Commercial Taxes and Registration (E2) Department, dated 10.03.2015 has already been stayed by this Court in W.P.No.13459 of 2017. Therefore, the first respondent will not be in a position to consider the names empanelled in the said G.O.Ms.No.40.

6.In view of the pendency of the above Writ Petition viz. W.P.No.13459 of 2017, the relief as such sought for by the petitioner herein cannot be considered, at this point of time. Accordingly, this Court is of the opinion that no relief is required to be passed in this regard and thus, the Writ Petition stands dismissed. No order as to costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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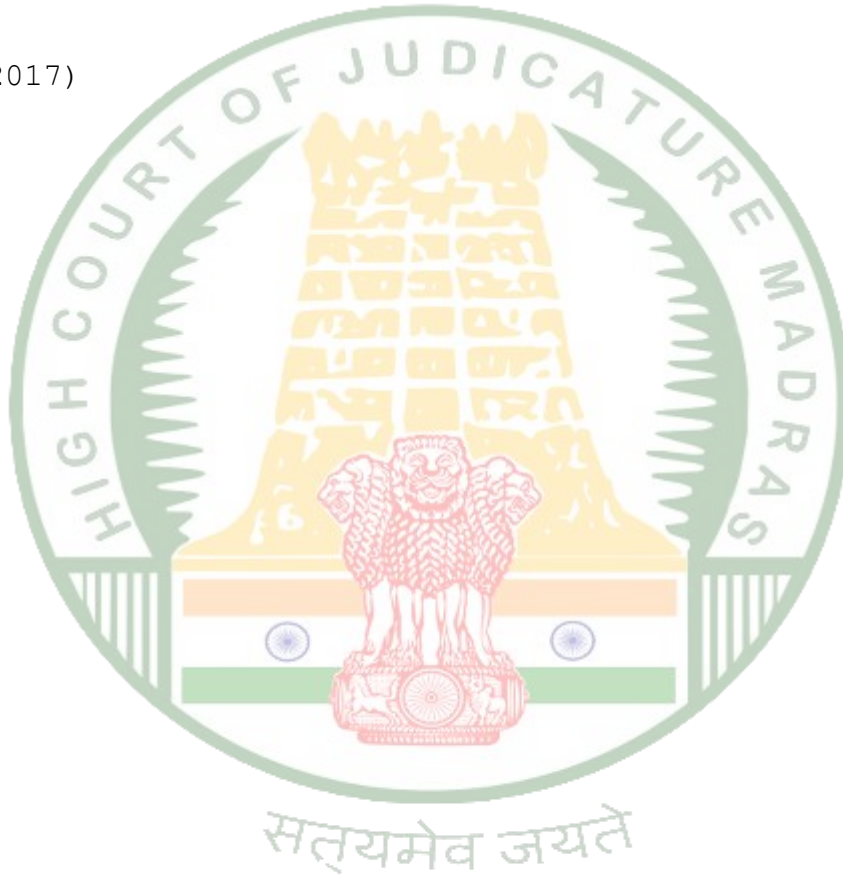
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+1 CC to Mr.G. Elanchezhiyan, Advocate sr 46952
+1 CC to Spl. Govt. Pleader sr 46794

W.P.No.4402 of 2017

SSI (CO)
sp(19/07/2017)



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