

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.579 of 2017
and
W.M.P.No.625 of 2017

Mangayarkarasi

...Petitioner

-Vs-

1. Government of Tamilnadu,
represented by Principal Secretary
to Government (FAC)
Commercial Taxes and Registration Department,
Fort st.george,
Chennai - 600 009.
2. Government of Tamil Nadu,
represented by Additional Secretary/
Commissioner of Commercial Taxes,
Chepauk,
Chennai - 600 005.
3. The Joint Commissioner,
Commercial Taxes Department,
Coimbatore.

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider the representation dated 01.12.2016 of the petitioner favourably and consequently include the petitioner's name in the panel of Deputy Commercial tax Officers to be finalized as on 01.03.2016 and consequently give promotion to the petitioner on merits.

For Petitioner : Mr.K.V.Subramanian, Senior Counsel
assisted by R.Jagadeesan,
for M/s.K.V.Subramanian Associates.

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

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner was directly recruited to the post of Accountant in the Department of Treasuries and Accounts in the Tamil Nadu Ministerial Services and she worked in that capacity between 11.01.2010 to 19.02.2012 and thereafter, her services were regularised by proceedings of the Treasures with effect from 30.11.2011. The petitioner claims that she has cleared the departmental examination and she is eligible to get promotion. She further submitted that due to her family circumstances and to take care of her age old parents, she applied for transfer to Commercial Taxes Department from the Treasury Department on 30.07.2014 and after getting concurrence from the Government, she was allotted to the Commercial Taxes Department, by proceedings of the Deputy Commissioner (CT) Tirupur dated 17.04.2015. It is the claim of the petitioner that she is eligible for promotion to the post of Deputy Commercial Tax Officer. Therefore, she made a request for promotion to the post of Deputy Commercial tax Officer, however, vide amendment to G.O.Ms.No.91 of the 1st respondent dated 03.11.2015, her claim has not been considered. It is the further case of the petitioner that she is entitled to be included in the panel for promotion to the post of Deputy Commercial Tax Officer and would submit that the amendment to G.O.Ms.No.91 dated 03.11.2015, is applicable only for promotees as per the requirement mentioned under 2(a) of Section 4 of Tamil Nadu Commercial Taxes Service Manual and the petitioner falls under the category of Section 2(b) of the Tamil Nadu Commercial Taxes Service Manual and as such, the petitioner is eligible for promotion. In this regard, she has also made a representation dated 01.12.2016 through proper channel to the 2nd respondent and inspite of receipt and acknowledgement, it is yet to be favoured with any kind of response. Hence, she came forward to file this writ petition.

3. Heard the submission of Mr.K.V.Subramanian, learned senior counsel appearing for the petitioner and Mr.S.Kanmani Annamalai, learned Additional Government Pleader (Taxes) appearing on behalf of the respondents.

4. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the representation dated 1.12.2016 or in the writ petition, directs the first respondent to consider and dispose of the petitioner's representation dated 01.12.2016 on

merits and in accordance with law after putting on notice to the persons concerned and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as persons concerned. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. Principal Secretary
to Government (FAC)
Government of Tamilnadu,
Commercial Taxes and Registration Department,
Fort St.George,
Chennai - 600 009.
2. The Additional Secretary/
Commissioner of Commercial Taxes,
Government of Tamil Nadu,
Chepauk,
Chennai - 600 005.
3. The Joint Commissioner,
Commercial Taxes Department,
Coimbatore.

+1cc to Mr.Subramaniam, Advocate, S.R.No.3285

SV(CO)
Rs(31/01/2017)

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