

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5575 of 2010

M.Krishnasamy

.. Petitioner

-vs-

1.The Principal Secretary and Commissioner
of Commercial Taxes,
Chepauk,
Chennai-600 005.

2.The Joint Commissioner,
Commercial Taxes,
Coimbatore.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent herein to consider the petitioner's representation dated 6.4.2009 and promote him as Assistant Commercial Tax Officer after including his name in the Promotional Panel drawn in the year 2003 and released in the year 2006 with all attended benefits.

For Petitioner - Mr.L.Chandrakumar
For Respondents - No Appearance

ORDER

The relief sought for in this writ petition is for a direction to direct the first respondent to consider the representation submitted by the writ petitioner on 6.4.2009 in respect of his promotion to the post of Assistant Commercial Tax Officer.

2. The learned counsel, appearing on behalf of the writ petitioner, states that during the relevant point of time, when the panel was prepared, a charge memo under Rule 17(b) of the Discipline and Appeal Rules was pending against the writ petitioner and on account of the pendency, his case was not considered for appointment to the post of Assistant Commercial

Tax Officer. However, the disciplinary proceedings were concluded and the writ petitioner was exonerated from the allegations and the charges against the writ petitioner has been dropped. Thus the writ petitioner made a representation to the first respondent on 9.6.2008 and the same has not been considered and no order has been passed.

3. Thus, without going into the merits of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 9.6.2008 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation along with the order passed in this writ petition.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Svn

To

1.The Principal Secretary and Commissioner
of Commercial Taxes,
Chepauk,
Chennai-600 005.

2.The Joint Commissioner,
Commercial Taxes,
Coimbatore.

+1cc to Mr.L.ChandraKumar, Advocate SR.No.57476

GN(21/12/2017)

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