

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3933 of 2017

And

W.M.P.No.4022 of 2017

T.Ramkumar

... Petitioner

Vs.

- 1 The Government of Tamilnadu
Rep by Additional Chief Secretary
Commercial Taxes Department,
Secretariat, St. George Fort,
Chennai - 600 005.
- 2 The Additional Chief Secretary/
Commissioner of Commercial
Taxes Department,
O/o.The Commissioner of Commercial Taxes Department,
Ezhilagam, Chepauk, Chennai - 600 009.
- 3 Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
V.O.C. Nagar, Chennai - 600 003. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to issue the order of declaration of probation to the petitioner and re-fix the date of appointment of the petitioner on par with his juniors who got directly recruited to the post of ACTO (now DCTO) through the Tamil Nadu Public Service Commission in the year 2012 with all consequential benefits including him in the regular panel of the year 2014 to the post of Commercial Tax Officer and other seniority benefits arising thereof.

For Petitioner : Mr.K.Krishnamoorthy
For Respondents : Mr.S.Kanmani Annamalai for R1 and R2
Additional Government Pleader (Taxes)
Ms.C.N.G.Niraimathi for R3

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.S.Kanmani Annamalai, learned Additional Government Pleader (Taxes) accepts notice on behalf of the respondents 1 and 2. Ms.C.N.G.Niraimathi, learned Standing Counsel accepts notice on behalf of the third respondent

2.The petitioner claims that he belongs to Hindu Scheduled Caste Arunthathiyar Community and he appeared in Combined Subordinate Service Examinations - I, 2009 - 11 on 30.07.2011 conducted by the third respondent and was issued with appointment orders and persons who participated in the selection process were issued with appointment order during December, 2012, itself, except the petitioner and according to him, in the selection order it was stated that he was admitted to the post provisionally for verification of the community certificate and the said allotment is subject to the outcome of the community verification and he was issued with the order of appointment only on 31.12.2013.

3.The grievance now expressed by the petitioner is that on account of the belated issuance of the appointment order and also enormous delay in ascertaining the community status, there is likelihood of omission to include his name in the temporary panel for promotion to the post of Commercial Tax Officer for the year 2014. The petitioner would further aver that he has also cleared all the departmental examinations and his probation period has also deemed to have been completed on 17.12.2014.

4.Learned counsel for the petitioner would submit that the petitioner in this regard has also submitted a representation dated 22.08.2016 to the second respondent praying for regularisation and declaration of probation and also to include his name in the temporary panel for promotion to the post of Commercial Tax Officer for the year 2014 and despite receipt and acknowledgement of the same, so far, no orders have been passed and therefore, came forward to file this writ petition.

5.Heard the submissions of the learned counsel appearing for the petitioner, the learned Additional Government Pleader (Taxes) appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the third respondent.

6.Though the petitioner prayed 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, directs the second respondent to consider and dispose of the petitioner's representation dated 22.08.2016, on merits and in accordance with law, within a period of eight

weeks from the date of receipt of a copy of this order. The District Level Committee, Dindigul District, is also directed to verify the community status of the petitioner and communicate the decision taken, to the respondents 2 and 3, within a period of six weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is also closed. No costs.

s/d-
Assistant Registrar (CO)

// True Copy//

Sub-Assistant Registrar

To

- 1 Additional Chief Secretary
The Government of Tamilnadu
Commercial Taxes Department,
Secretariat, St. George Fort,
Chennai - 600 005.
- 2 The Additional Chief Secretary/
Commissioner of Commercial
Taxes Department,
O/o.The Commissioner of Commercial Taxes Department,
Ezhilagam, Chepauk, Chennai - 600 009.
- 3 Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar, Chennai - 600 003.

+1 CC to Spl. Govt. Pleader (Taxes), sr 10516
+1 CC to Mr. K. Krishnamoorthy, sr 10521

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NRJK (CO)
sp/1/3