IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.29845 of 2017

S.Thanagamani ... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Commercial Taxes & Registration Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Principal Secretary/
Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to pass orders on the appeal petition submitted by the petitioner dated 20.07.2016 and to cancel the order of punishment issued by the 2nd respondent in Proc.No.EE2/490/2015 dated 22.04.2016 on considering the merit in the appeal and consequently, directing the respondents to promote the petitioner to the post of Commercial Tax Officer on part with juniors included in teh panel of the year 2015, with all consequential and other attended benefits including arrears of salary, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Ms.Narmadha Sampath, Spl GP (Taxes)

ORDER

This writ petition has been filed seeking to direct the 1st respondent to consider the pending appeal filed by the petitioner dated 20.07.2016 making a prayer to cancel the order of punishment issued by the 2nd respondent in Proc.No.EE2/490/2015 dated 22.04.2016.

2.Heard Mr.G.Sankaran, the learned counsel appearing for the petitioner as well as Ms.Narmadha Sampath, learned Special Government Pleader (Taxes), appearing for the respondents.

3.The learned counsel for the petitioner submitted that since the petitioner was imposed with a punishment of stoppage of increment for one year with cumulative effect, he has been made to loose avenues of promotion, as the impugned order is liable to be set aside by the appellate authority. Therefore, a direction could be given to the 1st respondent to dispose of the appeal preferred by the petitioner.

4.Ms.Narmadha Sampath, learned Special Government Pleader (Taxes), submitted that the writ petition need not be filed by the petitioner since the punishment imposed against the petitioner itself is a lighter punishment. In any event, pending appeal has to be considered on merits, for which she sought for sufficient time to dispose of the same.

5.Considering the limited scope of the prayer sought for, without going into the merits of the claim made by the petitioner, this Court hereby directs the 1st respondent to consider and dispose of the appeal dated 20.07.2016 preferred by the petitioner, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssv

To

1.The Principal Secretary to Government,
State of Tamil Nadu
Commercial Taxes & Registration Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Principal Secretary/
Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.83033

+1cc to the Government Pleader, S.R.No.83102

W.P.No.29845 of 2017

RRK(15/12/2017)