

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.09.2017
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26114 of 2004
And W.P.M.P. No.31731 of 2004

E.Krishnan

... Petitioner

Vs.

1. The Commissioner of
Commercial Taxes (FAC)
Chepauk, Chennai - 600 005.
2. The Joint Commissioner of
Commercial Taxes
Enforcement - I
Chennai - 600 006.
3. The Deputy Commissioner (CT)
Chennai (South) Division
Chennai - 600 006.
4. The Secretary to Government
Commercial Taxes Department
Secretariat
Chennai - 600 009.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus call for the records relating to the order of the first respondent in No.P2/22350/2001 dated 23.8.2004, and the order of the same first respondent in No.P2/22350/2001 dated 23.8.2004 and quash the same and direct the first respondent to allow the petitioner to hold the post of Assistant Commercial Tax Officer in the office of the Deputy Commissioner of Commercial Tax Officer (CT) Chennai (South) Division.

For Petitioner : Mr.V.Kannadasan
For Respondents : Mrs.K.Bhuvaneswari
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Certiorari Mandamus to call for the records relating to the order of the first respondent in No.P2/22350/2001 dated 23.8.2004, and the order of the same first respondent in No.P2/22350/2001 dated 23.8.2004 and quash the same and direct the first respondent to allow the petitioner to hold the post of Assistant Commercial Tax Officer in the office of the Deputy Commissioner of Commercial Tax Officer (CT) Chennai (South) Division.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3. The petitioner was working as an Assistant in the office of Commercial Tax Office, Saidapet Assessment Circle, Chennai. He joined in the Commercial Taxes Department as Junior Assistant on 26.05.1981 through Tamil Nadu Public Service Commission and promoted to the post of Assistant with effect from 04.12.1991.

4. A charge memo - Rc.No.A1/3396/2003, Joint Commissioner (CT) Enforcement I, dated 17.07.2003, was issued to the petitioner that certain irregularities were alleged against him and another Assistant one Mr.V.Rajendran, while working under the control of ACTO/Check Post Officer Mrs.T.Mercy Regina at Peddikuppam Check Post on 07.07.2003 and 08.07.2003. Charge memo contains five charges. The nutshell of the charges are tampering of records and other grave charges. While pending charges, the petitioner name has been deferred in the temporary list of Assistant Commercial Tax Officers for the year 2001, vide proceeding No.P2/22350/2001 dated 23.8.2004.

5. The undisputed facts, while pending charges, promotion cannot be considered in view of the Government Order in G.O.Ms.No.368, Personnel and Administrative Reforms (Per.S) Department, dated 18.10.1993.

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6. Accordingly writ petition is dismissed. However it is open to the petitioner to approach the respondents after concluding the charges if any. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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+1 cc to the Government pleader sr 64541

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