



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.16526 of 2017

and

W.M.P.(MD)No.13162 of 2017

1.Mr.K.Mathi
2.Mr.D.Murugan
3.Mr.R.Kesavan
4.Mr.K.Sudhagar

... Petitioners

vs.

1. The Principal Secretary/
Commissioner of Commercial Taxes,
Chepauk,
Chennai - 5.

2. The Joint Commissioner of State Tax
[Enforcement],
Commercial Taxes Building,
AR Line Road,
Palayamkottai - 627 002,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Proc.No.A1/52/2017, dated 16.08.2017 on the file of the second respondent and quash the same as illegal and consequently, for a direction, forbearing the second respondent from transferring the petitioners from the post of Commercial Tax Officer, in the light of the Guidelines issued by the first respondent in Letter No.P1/9719/2014, dated 16.05.2014.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Karthikeyan

Additional Government Pleader

ORDER

This writ petition is directed against the impugned order of transfer passed by the Joint Commissioner of State Tax [Enforcement], Division, in his proceedings in Proc.No.A1/52/2017,



dated 16.08.2017, in and by which, general transfer and postings of Commercial Tax Officers for the year 2017 are ordered. Moreover, the Joint Commissioner (ST) Tirunelveli Division and the Heads of Offices are requested to relieve the Commercial Tax Officers without waiting for the reliever so as to enable them to join the new post. Finding fault with the same, the present writ petition has been filed.

2.The contention of the learned counsel for the petitioners that the guideline to post the petitioners within the District has not been followed is fully bereft of any merit. When the general transfer takes place in the Commercial Taxes Department, it is not known how the petitioners can come to this Court seeking a direction to the respondents to effect transfer within their own district. In view of the fact that the Joint Commissioner [ST] [ENF], Tirunelveli Division, has effected the transfer order transferring some other Commercial Tax Officers from Tirunelveli to Tuticorin; Virudhunagar; Sivakasi; and Nagercoil, this Court finding that this is not only a transfer, but general transfer and postings of Commercial Tax Officers, is unable to find any infirmity in the impugned proceedings, therefore, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary/
Commissioner of Commercial Taxes,
Chepauk, Chennai - 5.
2. The Joint Commissioner of State Tax
[Enforcement],
Commercial Taxes Building,
AR Line Road,
Palayamkottai - 627 002,
Tirunelveli District.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 77065

SMN2

TE/KK/SAR-II : 20/10/2017 : 2P/4C

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