

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6550 of 2013

K.Krishnamoorthy

..Petitioner

vs

1. The Joint Commissioner
(Commercial Taxes),
Chennai (South Division),
Chennai - 600 006.
2. The Commissioner of Commercial Taxes,
Chepauk, Chennai - 600 005.
3. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 600 009. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents herein to re-fix the petitioner's seniority in the list of Assistants drawn for the year 1997 in the appropriate place with due seniority by promoting the petitioner as Assistant with effect from the date of promotion of his immediate junior and consequently direct the respondents herein to promote the petitioner as Deputy Commercial Tax Officer and Commercial Tax Officer from the date of promotion of his immediate junior with all consequential service and monetary benefits.

For Petitioner : Ms.Sudha Ravi

For Respondents : Mr.M.Hari Haran

Additional Government Pleader (Taxes)

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to re-fix the the petitioner's seniority in the list of Assistants drawn for the year 1997 in the appropriate place with due seniority by

promoting the petitioner as Assistant with effect from the date of promotion of his immediate junior and consequently direct the respondents herein to promote the petitioner as Deputy Commercial Tax Officer and Commercial Tax Officer from the date of promotion of his immediate junior with all consequential service and monetary benefits.

2. The learned counsel for the petitioner states that consequent to the regularisation of the writ petitioner, the due seniority has not been fixed. It is stated that there was an administrative delay in regularising the services of the writ petitioner and on account of that, the writ petitioner is unable to get his seniority. However, the service benefits as applicable were already granted and the seniority and consequential promotions are not granted. Some of the juniors to the writ petitioner were already promoted to the higher post. In order to redress the grievances, the petitioner has submitted representation to the 1st respondent on 19.03.2012 as well as to the other respondents. In this regard, a clarification letter was sent to the Government in order to redress the grievances of the writ petitioner and the same is now pending before the Government. Under these circumstances, the writ petitioner is constrained to move the present writ petition.

3. Thus, without going into the merits of the matter, the 3rd respondent is directed to consider the representation and the clarification letter signed by the second respondent and pass orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. The writ petitioner is directed to enclose a copy of the representation and clarification letter and other connected documents along with the order passed in this writ petition.

5. Accordingly, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

pns/sk

Sd/-
Assistant Registrar (CS-CO)

//True Copy//

Sub Assistant Registrar

To

1. The Joint Commissioner
(Commercial Taxes),
Chennai (South Division),
Chennai - 600 006.

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

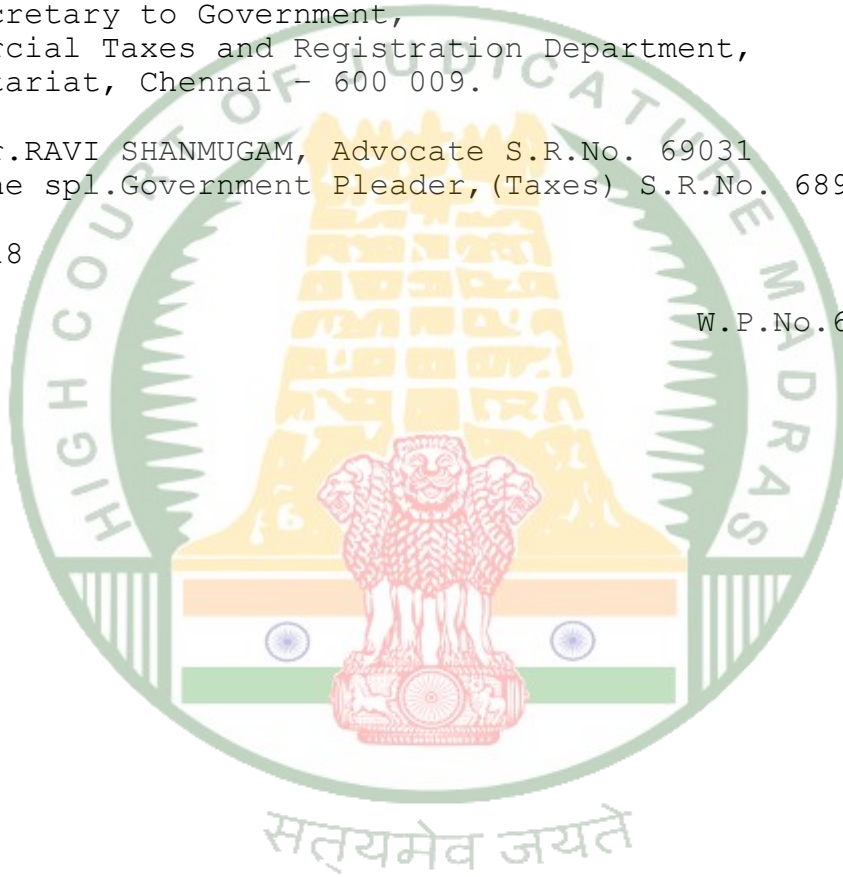
3. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 600 009.

+lcc to Mr.RAVI SHANMUGAM, Advocate S.R.No. 69031

+lcc to the spl.Government Pleader, (Taxes) S.R.No. 68966

KR/29/10/18

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