

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2018

CORAM

THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

WRIT PETITION NO.22764 OF 2018

D. Boopalan

...Petitioner

Vs.

1. The Principal Secretary to Government,
Commercial Taxes and Registration (E-1) Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner,
Commercial Taxes/State Taxes,
Ezhilagam Building Complex,
Chepauk, Chennai- 600 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to reinstate the petitioner into service as Assistant Commissioner of Commercial Taxes with all consequential service benefits by considering the petitioner's representation dated 24.05.2017 and 23.07.2018 forthwith.

For Petitioner : Mr.M.R.Jothimanian for M/s.K.Balu

For Respondent: Mr.M.Hariharan,
Additional Government Pleader

O R D E R

Heard, Mr.M.R.Jothimanian, the learned counsel appearing for the petitioner and Mr.M.Hariharan, the learned Additional Government Pleader, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal at the stage of admission.

2. The case of the petitioner, in this Writ Petition is inaction on the part of the respondents in implement of the order of this Court (insofar as the petitioner is concerned) passed in W.P.No.3694 of 2011, etc., (batch) wherein, this Court has quashed the order of suspension of the petitioner, who is working as Assistant Commissioner of Commercial (Tax) under the respondents. It is the case of the petitioner that, only pursuant to his alleged involvement in criminal case, he was put under suspension. Such suspension order, however, was quashed by the Court in the aforesaid Writ Petitions, vide order dated 02.07.2012. Challenging the same, Writ Appeal has been filed, but in the Appeal, no stay was granted, still the said order was not implemented. The reason, which formed the basis for putting him under suspension is due to his involvement in criminal case. In the meanwhile, criminal case also ended in acquittal on 20.03.2017. Thereafter also, the respondents, indicating the fact that the Writ Appeal is pending, not reinstated him into service though the foundation for suspension is already collapsed, which had actuated them to prefer Writ Appeal against the order of Single Judge of this Court passed in the aforesaid Writ Petition. The aforesaid order was passed 6 years before. The petitioner also, after disposal of the criminal case, made a representation on 24.05.2017 to the first respondent, but no action on the same has been taken. Hence, he has come to this Court seeking a writ of mandamus, directing the respondents to reinstate him forthwith.

3. During the course of hearing on admission, the learned counsel appearing for the petitioner submits that though he has sought for a larger relief, it would suffice, if a direction is given to the respondents to consider the representation of the petitioner, addressing the aforesaid facts within a stipulated period.

4. The learned Additional Government Pleader appearing for the respondents submits that the respondents have no objection to consider such representation of the petitioners within the period to be fixed by this Court.

5. Regard being had to the aforesaid facts and the submissions made, especially, the nature of relief sought for, this Court, dispose of this Writ Petition at the stage of admission without seeking reply affidavit, with a direction to the first respondent to consider such representation of the petitioner for reinstating him into service, addressing the aforesaid facts, in its proper perspective, more particularly, the order of this Court passed in W.P.No.3694 of 2011 etc. (batch) to reinstate the petitioner, which has not been stayed in Writ Appeal, and, in the meanwhile, the foundation for making

such suspension, i.e., the criminal prosecution stated to have been collapsed, inasmuch as, the petitioner has already been acquitted, within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

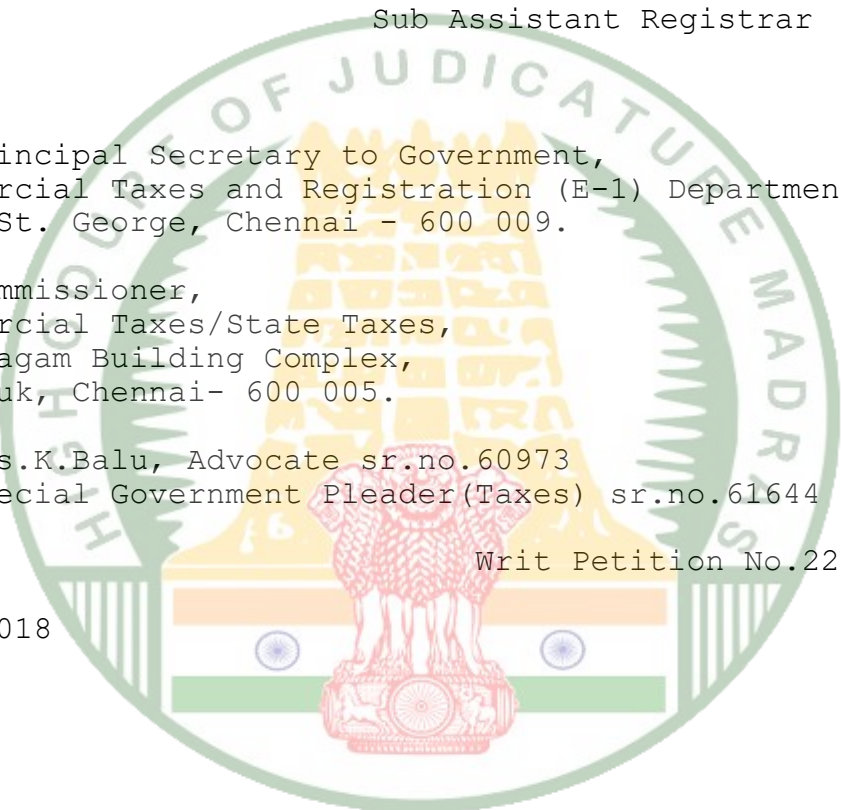
1. The Principal Secretary to Government,
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Chepauk, Chennai- 600 005.

+1cc to M/s.K.Balu, Advocate sr.no.60973

+1cc to Special Government Pleader(Taxes) sr.no.61644

Writ Petition No.22764 of 2018

nr 25/09/2018

The seal of the High Court of Madras is a circular emblem. It features a central image of the Lion Capital of Ashoka, which is a four-lion capital standing on a square base. The capital is flanked by two smaller lions. The entire emblem is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed around the perimeter of the seal. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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