

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.2586 of 2018

- 1.R.Perumal
- 2.C.Manohar
- 3.M.Muthu Manickam
- 4.T.Chitravelu
- 5.G.R.Boobalarayan
- 6.K.Ramu
- 7.S.Paranthaman
- 8.S.Kanagavel Manoharan
- 9.V.Thangaraj
- 10.S.Muthu
- 11.M.Jayakrishnan
- 12.V.Govindan
- 13.P.Viswasam
- 14.A.Raman

Appellants

vs.

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

2. The Commissioner of Commercial Taxes,
Commercial Taxes Department,
Government of Tamil Nadu,
Ezhilagam, Chepauk, Chennai - 600 005.

... Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order made in W.P.No.3262 of 2018, dated 14.02.2018.

W.P.No.3262 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to forthwith grant the arrears of Pay and

Allowances and all other benefits including Pensionary benefits which are due and payable to the Petitioners in the post of Assistant Commissioner Commercial Taxes (now re-designated as Deputy Commissioner Commercial Taxes) Deputy Commissioner Commercial Taxes (now Joint Commissioner Commercial Taxes) pursuant to the regular Seniority List drawn vide (i) G.O.Ms. No.116 CT Department & R (E1) Department dated 24.08.2012 (ii) G.O.Ms. No.139 CT & R (E2) Department dated 2.11.2012 (iii) G.O.Ms. No.16 CT & R (E2) Department dated 27.02.2013 and (iv) G.O.Ms. No.70 CT & R (E2) Department dated 19.6.2013.

For Appellants : Ms.AL.Ganthimathi

For Respondents: Mr.V.Haribabu

Additional Government Pleader (Taxes)

JUDGMENT

(Judgment of the Court was made by S.MANIKUMAR, J)

Heard learned counsel for the parties.

2. Writ Appeal is directed against the order made in W.P.No.3262 of 2018 dated 14.02.2018 by which the writ court declined to entertain the writ petition on the ground of laches.

3. On this day, when the matter came up for hearing, learned counsel for both parties submitted that, on the very same challenge to the seniority list, writ petitions filed by others have been entertained and pending before this Court. They further submitted that the said writ petitions were filed pursuant to the judgment of the Hon'ble Supreme Court, in the year 2016.

4. Learned counsel for the parties submitted that when other writ petitions have been entertained and pending, order made in W.P.No.3262 of 2018 can be set aside.

5. Placing on record the above submissions, order in W.P.No.3262 of 2018, is set aside and matter be remanded to the writ court, to be heard along with other similar writ petitions.

6. In view of the above, writ appeal is disposed of. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dm

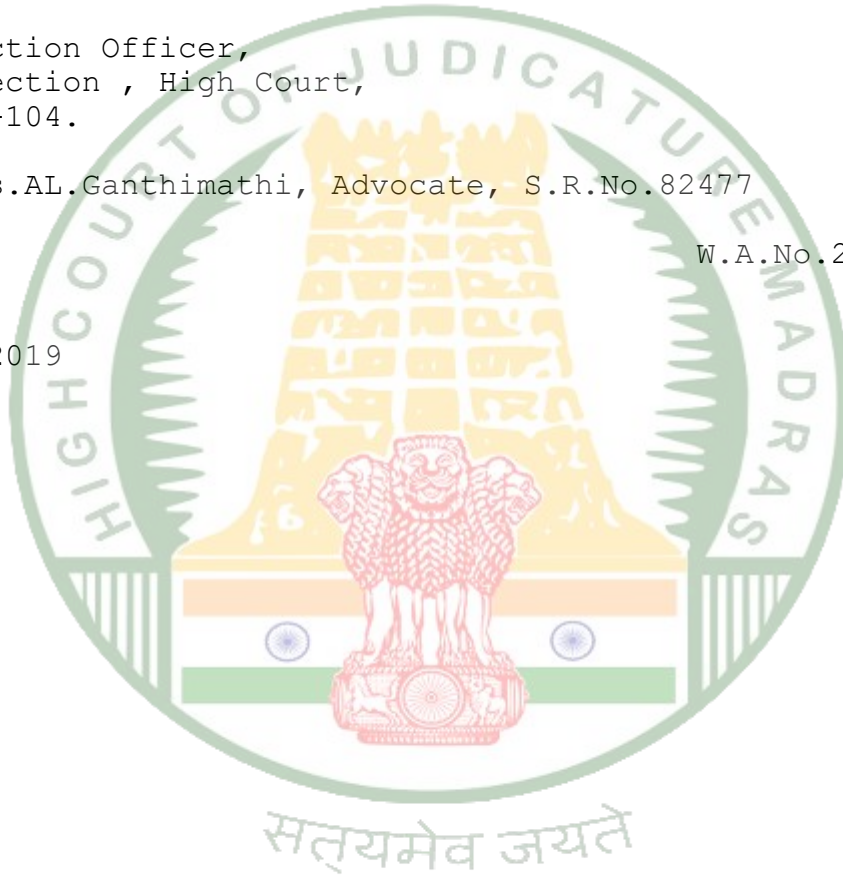
To

1. The Secretary to Government,
Commercial Taxes and Registration
Department, Government of Tamil Nadu,
Fort St. George,
Secretariat, Chennai 600 009.
2. The Commissioner of Commercial Taxes,
Commercial Taxes Department,
Government of Tamil Nadu,
Ezhilagam, Chepauk, Chennai - 600 005.
3. The Section Officer,
Writ Section , High Court,
Madras-104.

+lcc to Ms.AL.Ganthimathi, Advocate, S.R.No.82477

W.A.No.2586 of 2018

CNR(Co)
CS/07/01/2019



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