

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.11.2018

CORAM:
THE HONOURABLE DR. JUSTICE S.VIMALA

Writ Petition No.29224 of 2018

V.Mahadevan

.. Petitioner

- Vs -

1. The Secretary to Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat, Chennai 600 009

2. The Additional Chief Secretary /
Commissioner of Commercial Taxes,
Ezhilagam, 2nd Floor, Chepauk,
Chennai 600 005

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to consider petitioner's representation dated 3.10.2018 to include the petitioner's name in the seniority list under the Most Backward Class category to the post of ACTO (falling under the Tamil Nadu Subordinate Service - Commercial Taxes) for the year 2004 and for further elevations (falling under the Tamil Nadu State Service - Commercial Taxes) due to the petitioner with all consequential benefits and to direct the respondents to publish the panel for the posts of AC to be filled by recruitment by transfer only after including name of the petitioner in the appropriate panel as per his seniority in cadre of ACTO.

For Petitioner : Mr. E.Mohamed Abbas
for Ayisha Abbas and Azizulla Khan

For Respondents: Mr. A.N.Thambidurai, AGP., for R-1
Mr. Hariharan, AGP., for R-2

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O R D E R

This writ petition has been filed by the petitioner seeking for an issuance of a writ of mandamus directing the respondents to consider petitioner's representation dated 3.10.2018 to include the petitioner's name in the seniority list under the Most Backward Class category to the post of ACTO (falling under the Tamil Nadu Subordinate Service - Commercial Taxes) for the year 2004 and for further elevations (falling under the Tamil

Nadu State Service - Commercial Taxes) due to the petitioner with all consequential benefits and to direct the respondents to publish the panel for the posts of AC to be filled by recruitment by transfer only after including name of the petitioner in the appropriate panel as per his seniority in cadre of ACTO.

2. The petitioner was appointed as Junior Assistant in the Office of the Commercial Tax Officer, Avinashi Assessment Circle, Avinashi, on 24.10.1994. Subsequently, the petitioner was promoted as Assistant on 15.10.2001. The petitioner was then appointed by recruitment, by transfer, as Assistant Commercial Tax Officer (falling under the Tamil Nadu Subordinate Service - Commercial Taxes) - ACTO (later re-designated as Deputy Commercial Tax Officer - DCTO and at present known as Deputy State Tax Officer - DSTO) vide appointment order dated 21.07.2011.

3. The petitioner claims that his request should be considered in terms of the order passed by the Hon'ble Supreme Court of India passed in Civil Appeal No. (S) 9334 of 2018 (arising out of SLP (Civil) No.5588 of 2006).

4. Mr. A.N.Thambidurai, learned Additional Government Pleader takes notice for the first respondent. Mr. Hariharan, learned Additional Government Pleader, takes notice for the second respondent.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. In view of the limited relief sought for, without dwelling into the merits of the issue, it would be suffice to direct the respondents to consider the petitioner's representation dated 03.10.2018 and pass orders.

7. In the above circumstances, this writ petition is disposed of directing the respondents to consider the petitioner's representation dated 03.10.2018, in the light of the judgment of the Hon'ble Apex Court, referred to supra, and to pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srk

To

1.The Secretary to Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat, Chennai 600 009

2.The Additional Chief Secretary /
Commissioner of Commercial Taxes,
Ezhilagam, 2nd Floor, Chepauk,
Chennai 600 005

+2ccs to Mr.E.Mohamed Abbas, Advocate, S.R.No.80573

W.P.No.29224 of 2018

SSV(CO)

rrs 06/12/2018



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