IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33603 of 2018

R.Varadharajulu ...Petitioner

Vs

1.The Government of Tamil Nadu
represented by the Secretary
Commercial Taxes Department
The Secretariat, Fort St George
Chennai 600 009.

2.The Principal Secretary/Commissioner of Commercial Taxes, Ezhilagam, Chepauk, Chennai 600 005.

...Respondents

For Petitioner : Mr.S.P.Asokan

For Respondents: Mr.Hari Babu,
AGP (Taxes)

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to pass orders on petitioner's petition dated 04.01.2018 addressed to the 2nd respondent.

O R D E R

This writ petition has been filed seeking a direction to the respondents to pass orders on the petitioner's petition dated 04.01.2018 addressed to the second respondent.

2. The petitioner joined as Junior Assistant on 12.06.1981 and retired from service on 30.09.2011. During service, the petitioner was forced to take leave for a period exceeding six months on one occasion due to his wife's illness. On the ground that he was a probationer and was not eligible for continuous leave exceeding six months, he was terminated from service 18.04.1991. He challenged the same before the Tamil Nadu

Administrative Tribunal, and the Tribunal, by an order dated 25.02.2003, ordered reinstatement, holding that the petitioner was an approved probationer at that time and eligible for leave, but the petitioner is not entitled for salary for 12 years in view of his mistake of proceeding on leave before the sanction of the leave applied for. In the interregnum period of 12 years, the service register of the petitioner was lost by the department and as a result, even till the time of retirement of the petitioner on superannuation on 30.09.2011, the correct salary figures for his period of service could not be determined and the annual increments and pay revisions also could not be sanctioned. As a result, the salary of the petitioner was fixed as that of the salary of a new entrant in service in the cadre of Junior Assistant. Even after the lapse of seven years from the date of his retirement, the annual increments, pay and pension revisions are yet to be sanctioned to him by the respondents.

3. The petitioner had sent several representations to the respondents praying for revision of pay, annual increments, pension and other claims, which did not evoke any response, the last of such representation being on 04.01.2018. As the same was also not considered, the petitioner has filed the present writ petition.

4. Mr.Hari Babu, learned Additional Government Pleader (Taxes) takes notice on behalf of the respondents.

4.1. The inordinate delay is not justified. However, having regard to the limited nature of the prayer, the respondents are directed to consider the representation of the petitioner dated 04.01.2018 and 26.06.2018, and pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

kst

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
1. The Secretary, Government of Tamil Nadu,
   Commercial Taxes Department
   The Secretariat, Fort St George
   Chennai 600 009.

2. The Principal Secretary/Commissioner of Commercial
   Taxes, Ezhilagam, Chepauk, Chennai 600 005.

+1cc to Mr.Mr.S.P.Ashokan, Advocate, S.R.No.89033
+1cc to The Special Govt. Pleader, S.R.No.89964

W.P.No.33603 of 2018

GJ-II(CO)
KAK(25/01/2019)