

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE DR..JUSTICE S.VIMALA

WP.No.407 of 2019

V.Mahendhiran
Petitioner

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Vs

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

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

...

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 1st respondent to consider the representations made by the petitioner, dated 26.10.2017 and 20.08.2018, in accordance with the order passed by this Court in WP(MD)No.7135 of 2010, dated 24.02.2007.

For Petitioner : Dr.A.Thiyagarajan, SC

For Respondents : Mr.A.N.Thambidurai, SGP-R1
Mr.Haribabu-R2

ORDER

By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr.A.N.Thambidurai, the learned Special Government Pleader takes notice for the 1st Respondent. Mr.Haribabu, the learned counsel takes notice for the 2nd Respondent.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The prayer in this Writ Petition is to direct the 1st respondent to consider the representations made by the petitioner, dated 26.10.2017 and 20.08.2018, in accordance with the order passed by this Court in WP(MD)No.7135 of 2010, dated

24.02.2007.

4. The Petitioner had joined duty as Assistant Commercial Tax Officer on 18.04.1990 and thereafter, he was promoted as Deputy Commercial Tax Officer on 10.08.2001 and further promoted as Commercial Tax Officer on 15.03.2007. The 2nd Respondent had chosen to invoke disciplinary proceedings against the Petitioner by way of a charge memo by proceedings dated 22.08.2008, alleging lack of supervision. The Petitioner had challenged the said disciplinary proceedings in WP(MD)No.7135 of 2009, which was allowed by order dated, 24.02.2017. In terms of the said order of this Court, the 2nd Respondent ought to have promoted the Petitioner as Deputy Commissioner (CT) with effect from 21.12.2005. Only thereafter, a panel list was prepared.

4. The grievance of the Petitioner is that the individual, who is junior to the Petitioner, namely, S.M.Saraswathi, was promoted to the post of Additional State Representative, Tamil Nadu Sales Tax Appellate Tribunal (AB), Coimbatore. It is the claim of the Petitioner that he ought to have been included in the panel list of Joint Commissioners for the year 2010, by fixing the inter se seniority before S.M.Saraswathi and necessary orders should have been issued accordingly. Stating so, the Petitioner had sent representations dated 26.10.2017 and 20.08.2018. Since the said representations are not considered so far, this Writ Petition has been filed, seeking the relief as stated above.

5. Having regard to the facts and circumstances of the case and considering the limited scope of the prayer, as sought for in this Writ Petition, without going into the merits of the case, the 1st Respondent is directed to consider the representations of the Petitioner, dated 26.10.2017 and 20.08.2018 and pass appropriate orders, in the light of the order passed by this Court in WP(MD)No.7135 of 2010, dated 24.02.2007 and on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Srcm

To

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

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

+1 cc to Mr.M.Nallathambi, Advocate SR.No.1317

+1 cc to The Special Government Pleader, SR.No.2459

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NM(CO)
CSL/07.02.2019