IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WMP No.3204 of 2018

in WP No.2594 of 2018

1 P.S.GEETHA, [PETITIONERS]
DEPUTY STATE TAX OFFICER,
O/O.THE ASSISTANT COMMISSIONER(ST)
ENFORCEMENT (CHECKPOST),
ANNA NOOTRANDU VAZHAGAM
BUILDING, HOSUR-(SENNATHUR ROAD)
KRISHNAGIRI DISTRICT

2 S.ANITHA,
DEPUTY STATE TAX OFFICER,
O/O.THE ASSISTANT COMMISSIONER(ST)
ENFORCEMENT (CHECKPOST),
ANNA NOOTRANDU VAZHAGAM
BUILDING, HOSUR-(SENNATHUR ROAD)
KRISHNAGIRI DISTRICT

3 C.HEMALATHA,
DEPUTY STATE TAX OFFICER,
O/O.THE ASSISTANT COMMISSIONER(ST)
ENFORCEMENT (CHECKPOST),
ANNA NOOTRANDU VAZHAGAM
BUILDING, HOSUR-(SENNATHUR ROAD)
KRISHNAGIRI DISTRICT

4 M.MAHALAKSHMI
DEPUTY STATE TAX OFFICER,
O/O.THE DEPUTY COMMISSIONER (ST),
ENFORCEMENT GROUP-V, CT BUILDINGS,
PITCHARDAS ROAD
HASTHAMPATTI, SALEM-636007

5 C.SARAVANAN
DEPUTY STATE TAX OFFICER,
O/O.THE DEPUTY COMMISSIONER (ST),
ENFORCEMENT GROUP-V, CT BUILDINGS,
PITCHARDAS ROAD
HASTHAMPATTI, SALEM-636007

6 M.MANISEKARAN,
DEPUTY STATE TAX OFFICER,
O/O.THE ASSISTANT COMMISSIONER(ST)
ENFORCEMENT (CHECKPOST),
ANNA NOOTRANDU VAZHAGAM
BUILDING, HOSUR-(SENNATHUR ROAD)
KRISHNAGIRI DISTRICT

7 S.DHANALAKSHMI
DEPUTY STATE TAX OFFICER,
O/O.THE JOINT COMMISSIONER(ST)
COMMERCIAL TAXES BUILDING,
AR LINE MAIN ROAD,
PALAYAMKOTTAI, TIRUNELVELI-2

8 F.AMALARPAVAM,
DEPUTY STATE TAX OFFICER,
O/O.THE JOINT COMMISSIONER(ST)
COMMERCIAL TAXES BUILDING,
AR LINE MAIN ROAD,
PALAYAMKOTTAI, TIRUNELVELI-2

Vs

1 THE GOVERNMENT OF TAMILNADU [RESPONDENTS]
REP BY ITS ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF COMMERCIAL TAXES ST. FORT
GEORGE, CHENNAI-9

2 THE COMMISSIONER OF
COMMERCIAL TAXES, EZHILAGAM, CHEPAUK,
CHENNAI-05

3 TAMIL NADU PUBLIC SERVICE
COMMISSION, REP BY ITS CHAIRMAN, FRAZER
BRIDGE ROAD, VOC NAGAR PARK TOWN, CHENNAI-03

4 MR.NARESH KUMAR,
ASSISTANT VELLORE DIVISION,
C/O THE COMMISSIONER OF
COMMERCIAL TAXES, EZHILAGAM, CHEPUAK,
CHENNAI-05
(REPRESENTING the CLASS OF PROMOTEE ASSISTANTS
PLACED FROM RANK NO.17 TO 137 IN the
IMPUGNED SENIORITY LIST)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners to Designate the 4th respondent as representing the class of promotee assistants who rank below the petitioners but are placed above the petitioners in the impugned seniority list and in the consequent panel of DCTO under Rule 2A framed under Article 226 of the Constitution of India pending WP No.2594 of 2018.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.KRISHNAMOORTHY, Advocate for the petitioner the court made the following order:-

O R D E R

The relief sought for in the present 2-A petition is to permit the writ petitioners to designate the fourth respondent as representing class of promotee Assistants to rank below the writ petitioners but are placed above the writ petitioners in the impugned seniority list and in the consequent panel of DCTO under Rule 2-A framed under Article 226 of the Constitution of India.

2. The impugned order in the writ petition is the drawal of a temporary list of Deputy Commercial Tax Officers for the year 2016 and the list of approved candidates. In the impugned order itself, the names of all the persons, who were considered and included in the approved list, are furnished.

3. This apart, the impugned list provides the particulars of the present Division in which those persons are serving. In other words, the details of all the persons likely to be affected in the event of passing any orders in the writ petition are very much available in the impugned order and their present working Division as well as the names are also available in the Annexure to the impugned order dated 13.1.2017.

4. Let us now consider the spirit of Rule 2-A of the Rules to regulate the proceedings under Article 226 of the Constitution, which reads as under:-

> "Rule 2-A. Where there are numerous persons who may be affected in the event of the petitioner succeeding in a writ petition or whose addresses for effective service of notice in the petition is not known to the writ petitioner, or where the Court considers that having regard to the need for a quick decision and avoidance of delay, it is necessary to grant such permission, the writ petitioner may, with the permission of Court, file a single petition against one or more of such persons who may be affected, designating and describing him or them, as representing all such persons:
>
> Provided that while granting permission to the petitioner to implead a respondent or respondents in a representative capacity, the Court may direct publication of a notice in the

prescribed form so that every person like to be affected will have an opportunity of coming on record if he so chooses.”

5. In the present case on hand, the 2-A petition is filed in respect of the impugned order dated 13.1.2017, wherein the list of names of all the persons as well as the Division in which they are working are very much available. Thus, those persons, whose names are included in the impugned order, cannot be designated as unknown persons warranting petition under Rule 2-A of the Appellate Side Rules. It is very much possible for the writ petitioners to implead all the persons, who all are included in the Annexure to the impugned order dated 13.1.2017 and by impleading those persons, notice can be served through respective officials of the Department to those persons who all are working in the Department.

6. This apart, all the persons likely to be affected are also employees of the Commercial Taxes Department and are very much in service. This being the factum, there is no necessity to consider 2-A petition and the writ petitioner is directed to implead all the persons, who all are likely to be affected and whose names are very much available in the impugned order dated 13.1.2017.

7. Accordingly, the present 2-A petition stands rejected.

-sd/-
25/04/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF SECRETARY
THE GOVERNMENT OF TAMILNADU, DEPARTMENT OF
COMMERCIAL TAXES ST. FORT GEORGE, CHENNAI-9

2 THE COMMISSIONER OF
COMMERCIAL TAXES, EZHILAGAM, CHEPAUK,
CHENNAI-05

3 THE CHAIRMAN
TAMIL NADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD, VOC NAGAR PARK TOWN,
CHENNAI-03

C.C. to M/S.K.KRISHNAMOORTHY Advocate on payment of necessary charges

Order

in
WMP.3204/2018

in
WP.2594/2018

Date :25/04/2019

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