

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.10.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.15151of 2019
and
W.M.P Nos.15136, 30460 and 30463 of 2019

K.Kothaimathi

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Principal Secretary
Commercial Taxes and Registration Department
Fort St. George
Chennai-600 009.
2. The Commissioner of Commercial Taxes
Office of the Commissioner of Commercial Taxes
Ezhilagam
Chennai-600 005.
3. The Joint Commissioner (ST)
Enforcement I,
PAPJM Buildings,
Greens Road,
Chennai-600 006.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the proceedings in Ref. No.CD2/6885/2016 dated 13.03.2019 on the file of the 2nd respondent and to quash the same as illegal, arbitrary and without jurisdiction.

For Petitioner	: Mr.T.M.Mano for M/s.Govind Chandrasekhar
For Respondents	: Mr.Mohamed Shaffiq Special Government Pleader

O R D E R

Writ Petition is filed for issuance of Writ of Certiorari, to call for the records of the proceedings in Ref. No.CD2/6885/2016 dated 13.03.2019 on the file of the 2nd respondent and to quash the same as illegal, arbitrary and without jurisdiction.

2.The petitioner is working as Assistant Commissioner (Commercial Taxes), Chintatripet Assessment Circle. While he was in service, a charge memo was issued to the petitioner on 10.03.2016 for participating in a hunger strike. Later, on 14.07.2017, the Government of Tamil Nadu issued GO Ms. No.307 condoning this type of period of absence and in view of the said G.O, the petitioner's absence was condoned and with the similar type of prayer, the petitioner has filed a writ petition in W.P No.21287 of 2018 and the same was allowed by this Court on 27.08.2018 and quashed the charge memo. In order to safeguard his service, the present writ petition is filed.

3.This Court had issued a direction to the 2nd respondent / The Commissioner of Commercial Taxes, Office of the Commissioner of Commercial Taxes, Ezhilagam, Chennai-5 to appear before this Court on 31.10.2019. Thereafter, the 2nd respondent filed a petition in WMP No.30463 of 2019 to dispense with his appearance. Further, the Special Government Pleader would submit that the charge memo has already been quashed by the single Judge of this Court in W.P No.21287 of 2018 by an order dated 27.08.2018 and the same was confirmed by the Division Bench of this Court in W.A.No.2183 of 2019 dated 25.07.2019 and hence, nothing survives for further adjudication.

4. In view of the above, nothing survives for further adjudication in this Writ Petition and the same is closed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-)

// True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary
Commercial Taxes and Registration Department
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Chennai-600 009.
2. The Commissioner of Commercial Taxes
Office of the Commissioner of Commercial Taxes
Ezhilagam
Chennai-600 005.

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and
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RJI (CO)
CSR(11/12/2019)