

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26468 of 2019
and
W.M.P.No.25835 of 2019

C.Venkatesan

... Petitioner

Vs.

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

2.The Additional Chief Secretary /
Commissioner of Commercial Taxes,
Government of Tamilnadu,
Ezhilagam,
Chepauk,
Chennai- 600 005.

3.Joint Commissioner of Commercial Taxes,
Salem Division, Commercial Tax Offices Buildings,
Pitchards Road, Hasthampathy,
Salem - 636 007.

4.J.Stephen Paul,
State Tax Officer (Adjudication-2),
O/o. The Joint Commissioner (ST) (Intelligence),
Commercial Tax Offices Building,
Pitchards Road, Hasthampathy,
Salem - 636 007.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Proc.No.P1/16092/2018 dated 06.03.2019 on the file of the second respondent and quash the same; consequentially direct the respondents 1 to 3 to include the petitioner's name in the list of Deputy Commercial Tax Officers annexed to the impugned order fit for promotion to the post of Commercial Tax Officer by

placing the petitioner above the fourth respondent and to give promotion to the petitioner accordingly with corresponding seniority and all attended monetary benefits.

For Petitioner : Mr.R.Neelakandan

For Respondent : Mr.Haribabu

ORDER

This writ petition is filed seeking quashment of the impugned order of the second respondent in Proc.No.P1/16092/2018 dated 06.03.2019 and consequently to direct the respondents 1 to 3 to include the petitioner's name in the list of Deputy Commercial Tax Officers annexed to the impugned order fit for promotion to the post of Commercial Tax Officer by placing the petitioner above the fourth respondent and to give promotion to the petitioner accordingly with corresponding seniority and all attended monetary benefits.

2.The learned counsel for the petitioner submitted that the petitioner joined service on 10.08.2001 as Junior Assistant at the office of the Commercial Tax Officer, T.Nagar (East) Assessment Circle, Chennai and his service was later regularized with effect from 10.08.2001. The petitioner was transferred on promotion, to the Office of Assistant Commissioner (CT), Valluvarkottai, Assessment Circle. Further on mutual transfer, the petitioner was again transferred to the office of the Deputy Commissioner (CT) Salem, Salem Division. In the transfer order, it is clearly mentioned that the seniority of the petitioner shall be fixed with reference to his appointment as Junior Assistant in the department. Even after several promotions, the seniority of the petitioner as per his date of joining as a Junior Assistant was not fixed.

3.Aggrieved over the same, the petitioner preferred Writ Petitions before this Court and this Court ordered to place the petitioner in the 27th rank, below one S.Nila, Assistant (Rank No.26/2007). Aggrieved over the above order, the petitioner preferred writ petition and the same is still pending.

4.That apart, on 06.03.2019 vide proceedings in Proc.No.P1/16092/2018, the second respondent issued a list of Deputy Commercial Tax Officers, eligible for promotion to the post of Commercial Tax Officers who are junior than the petitioner. The petitioner's grievance is that his name would also be included in the list of promotion. The petitioner's contention is that he should be placed next to one J.Stephen Paul, the fourth respondent herein, who is now posted as Commercial Tax Officer. The petitioner made a representation to

the second respondent on 01.04.2019 objecting the promotion panel. Since the petitioner's objection was not considered, this writ petition came to be filed.

5. Without expressing any opinion, I am inclined to issue direction to the respondents to the second respondent to consider the petitioner's representation dated 01.04.2019, if not disposed already within a period of six (6) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Government of Tamilnadu,
Commercial Taxes and Registration Department,
Secretariat, Chennai- 600 009.
2. The Additional Chief Secretary /
Commissioner of Commercial Taxes,
Government of Tamilnadu,
Ezhilagam, Chepauk, Chennai- 600 005.
3. Joint Commissioner of Commercial Taxes,
Salem Division, Commercial Tax Offices Buildings,
Pitchards Road, Hasthampathy, Salem - 636 007.
4. The State Tax Officer (Adjudication-2),
O/o. The Joint Commissioner (ST) (Intelligence),
Commercial Tax Offices Building,
Pitchards Road, Hasthampathy, Salem - 636 007.

+1cc to Mr. R. Neelakandan, Advocate Sr. 77047
+1cc to the Special Government Pleader Sr. 77609

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kk[co]
srg 15/10/2019