

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.479 of 2018
and
WMP Nos.586 & 587 of 2018

- 1.S.Chitra
- 2.M.Balaji
- 3.S.Vanitha
- 4.K.Pandian

... Petitioners

.v.

- 1.The Additional Chief Secretary
Commercial Taxes and Registration (A1) Department,
Fort St.George,
Chennai-09.
- 2.The Additional Chief Secretary/Commissioner,
Commercial Taxes,
Chepauk, Chennai-05.
- 3.S.Bharathan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 4.K.Manimegalai,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 5.P.Parameswari,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 6.P.Mathialagan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

- 7.P.Sivasakthivel,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 8.T.James Fernando,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 9.K.Mahalakshmi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 10.A.Anitha,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 11.M.Vijayakumari
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 12.D.Jenret Bebolan Rosary,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 13.C.Salaikumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 14.M.Jeyamala,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 15.R.Senthilkumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 16.L.P.Makeswaran,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 17.M.Rajarathinam,
Deputy Commercial Tax Officer,
O/o. Deputy Commissioner (Enforcement),
Chennai-06.

- 18.K.Premkumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 19.A.S.Charmie Sheila,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 20.R.Regunathan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 21.M.David Albert,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 22.S.Radha Lakshmi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 23.G.K.Padmanaban,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 24.B.Vijaya,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 25.A.Sridharan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 26.Na.Rajesh,
Deputy Commercial Tax Officer,
C/o Deputy Commissioner (Enforcement),
Chennai-06.
- 27.R.Pattabiram,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
- 28.P.Rajakumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

29.R.Shanmugasundaram,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

30.K.Srinivasan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

31.N.Bakiyalakshmi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

32.S.Sayee Lakshmi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

33.R.Muthusamy,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

34.G.Logam,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

35.S.Balakumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

36.S.Padmavathy,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

37.J.Parthsarathy,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

38.N.Dharmalingam,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

39.A.Elango,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

40.R.Anandan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

41.S.Reghupathy,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

42.V.Swarnalatha,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

43.S.Akbar Basha,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

44.K.Dheenadayalan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

45.A.Sumathi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

46.G.Aruldoss,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

47.R.Gandhi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

48.S.F.Syedunisha,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

49.K.Shanmuga Priya,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

50.G.Revathi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

51.N.Amutharani,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

52.M.Chellapandiyar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

53.A.Mary Nirmalabai,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

54.S.Kalaivani,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

55.T.Ramasamy,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

56.A.Malarvizhi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

57.A.Murugan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

58.R.George Stephenson,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

59.C.Ajayrani Mariammal,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

60.L.Kumaresan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

61.S.V.Mohan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

62.V.Vanathi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

63.E.Meera,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

64.C.Krishnaveni,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
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65.A.Shameem,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
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66.B.Rajasekaran,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
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67.R.Jayalakshmi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

68.S.Vijayakumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

69.V.Karthikeyan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

70.N.C.G.Baby Rekha,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
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71.V.Vijaya,
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C/o Commissioner, Commercial Taxes,
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72.D.Sumathi,
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C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

73.J.Meeganathan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

74.C.Kamatchi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

75.J.Santharaman,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

76.V.Malliga,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

77.S.Deepa,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

78.P.Vijayakumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

79.K.Menaka,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

80.G.Kader Hussain,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

81.S.Jegadeesan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

82.A.Baskaran,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

83.T.K.Sureshkumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

84.M.Sampathraja,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

85.D.Prakash,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

86.N.Thirumalmurugan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

87.K.Harikumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

88.M.Sivakumar,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

89.S.Sathish,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

90.P.Saravanan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

91.G.Balaji,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

92.A.Panneerselvam,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

93.G.Thilagavathi,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

94.D.Nalini,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

95.R.Suganya,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

96.K.Perumal,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

97.R.Gopinath,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

98.L.Mathusudanan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

99.E.Dakshayani Sangeetha,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

100.G.Karupannan,
Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.

.... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in connection with the impugned order passed by him in G.O.(D).No.278 (Commercial Taxes Registration (A1) department dated 15.06.2017 and the consequential promotion and allotment order passed by the 2nd respondent in Proc.No.P1/21111/2015-II dated 01.08.2017 and to quash the same and further direct the respondents 1 & 2 to publish the inter-se-seniority list and to promote the petitioners as Commercial Tax officer.

For Petitioner : Mr.S.Sivakumar

For R1 & R 2 : Mr.M.Hariharan
Additional Government Pleader(Tax)

O R D E R

This Writ Petition has been filed challenging the impugned Government Order dated 15.06.2017 and for a consequential promotion to the post of Commercial Tax Officer.

2.The learned counsel for the petitioners submitted that pursuant to the filing of this writ petition, all the petitioners were promoted to the post of Commercial Tax Officers and therefore the issue with regard to quashing of the concerned Government orders no longer survive. The learned counsel submitted that the only other grievance left is that their seniority must be reckoned with that of their immediate junior.

3.Heard Mr.S.Sivakumar, learned counsel appearing on behalf of the petitioners and Mr.M.Hariharan, learned Additional Government Pleader (T), appearing on behalf of the respondents 1 and 2.

4.In view of the above development, there is no requirement for this Court to go into the merits of the case. The petitioners have already been promoted to the post of Commercial Tax Officers. If the petitioners want their seniority to be considered on par with their immediate junior, it is left open to the petitioners to make an independent representation to the respondents in this regard and the respondents can consider the same and pass appropriate orders.

5.In view of the above, this writ petition is disposed of and liberty is granted to the petitioners to make a representation before the 2nd respondent and seek for fixing of their seniority on par with their junior and the 2nd respondent shall consider the same on its own merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of the representation from the petitioners.

This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

KP

To

- 1.The Additional Chief Secretary
Commercial Taxes and Registration (A1) Department,
Fort St.George,
Chennai-09.
- 2.The Additional Chief Secretary/Commissioner,
Commercial Taxes,
Chepauk, Chennai-05.
- 3.The Deputy Commercial Tax Officer,
C/o Commissioner, Commercial Taxes,
Chepauk, Chennai-05.
4. The Deputy Commercial Tax Officer,
O/o. Deputy Commissioner (Enforcement),
Chennai-06.

+1cc to Mr.S.Sivakumar, Advocate SR.No.12324

सत्यमेव जयते

W.P.No.479 of 2018

NRJK (CO)
GMY (18/03/2020)

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