

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31052 of 2018

1.T.Ravichandran
2.N.Balu
3.G.Arunachalam
4.K.Pandian

.. Petitioners

Vs.

1.The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St.George, Chennai-09.

2.The Commissioner,
Commercial Taxes Department,
Chepauk, Chennai.

... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the proposal sent by the 2nd respondent for relaxing the rule within a reasonable time and to promote the petitioner as Commercial Tax Officer and to grant all consequential service and monetary benefits, within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For R1 & R 2 : Mr.M.Hariharan

Additional Government Pleader(Tax)

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents for relaxing the rule and to promote the petitioner as Commercial Tax Officer with all consequential monetary benefits.

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 relaxation of the rule no more survives. The learned counsel submitted that the only other grievance left with petitioners 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.

Sd/-
Assistant Registrar (C.S.)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St.George, Chennai-09.

2.The Commissioner,
Commercial Taxes Department, Chepauk, Chennai.

+1cc to Mr.S.Sivakumar, Advocate Sr.No.12323
+1cc to The Special Government Pleader Sr.No.12900

AKM/13.03.2020 /2P-5C/

W.P.No.31052 of 2018