

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.02.2020
CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31523 of 2018
and
WMP No. 36743 of 2018

1.S.Sathish

2.R.Gopinath

.. Petitioners

.v.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Commercial Taxes Department,
Fort St.George,
Chennai-09.

2.The Additional Chief Secretary/Commissioner,
Commercial Taxes,
Chepauk, Chennai-05.

3.Mr.Na.Rajesh,
Commercial Tax Officer,
Ponneri,
Chennai.

.... Respondents

[R-3 impleaded vide order dt.26.03.2019,
made in WMP No.39204/2018 in
WP.No.31423/2018 by SMSJ]

Prayer:- Writ petitions filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus, to
direct the respondents to publish the inter-se-seniority list
in the cadre of Deputy Commercial Tax Officer, Commercial Tax
Officers and Assistant Commissioner (CT) within reasonable
time.

For Petitioners

: Mr.S.Sivakumar

For R1 & R 2

: Mr.A.N.R.Jayaprathap
Government Advocate (Tax)

For R 3

: Mr.G.V.Vairam Santhosh

O R D E R

This Writ Petition has been filed for a direction to the respondents to publish the inter se seniority list in the cadre of Deputy Commercial Tax Officer, Commercial Tax Officers and Assistant Commissioners.

2.The case of the petitioners is that they were directly recruited as Deputy Commercial Tax Officers through the TNPSC and they joined the service in the year 2012. The grievance of the petitioners is that the inter se seniority list has not been published for any of the cadres beyond 2010 and the Official respondents are continuing to grant promotion on temporary basis and as a result of the same, there is a lot of anomaly created.

3.The respondents have filed a counter affidavit in this case. In the counter affidavit, it has been stated that there was already a serious seniority dispute between the direct recruitment Officers and the promoted/transferred Officers in the Commercial Tax Department right from the year 1980. After a series of orders were passed, seniority list in the cadre of Deputy Commercial Tax Officers was prepared from 1968, upto the year 2010. This issue is now pending by way of batch of writ petitions. Therefore, the department is awaiting the final result in these writ petitions. The further stand that has been taken in the counter affidavit is that the decision passed in the pending cases will have an impact in the preparation of the seniority list from the year 2011 onwards. Therefore, for the present, it will not be possible for the department to prepare the inter se seniority list. It is further stated that in order to tide over the situation, temporary promotions are being given by the department and the same is well within the powers of the department in accordance with the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

4.In view of the above stand that has been taken by the Official respondents, it will not be possible for this Court to give any direction in the present writ petition, for the present. The disposal of the pending writ petitions will have an impact in the inter se seniority list prepared for the subsequent years beyond 2010.

5.Hence, this writ petition is disposed of with a direction to the Official respondents to take up the process of preparation of the inter se seniority list beyond 2010, immediately after the pending writ petitions are disposed of and after getting a clarity in the preparation of inter se seniority list. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

KP
To

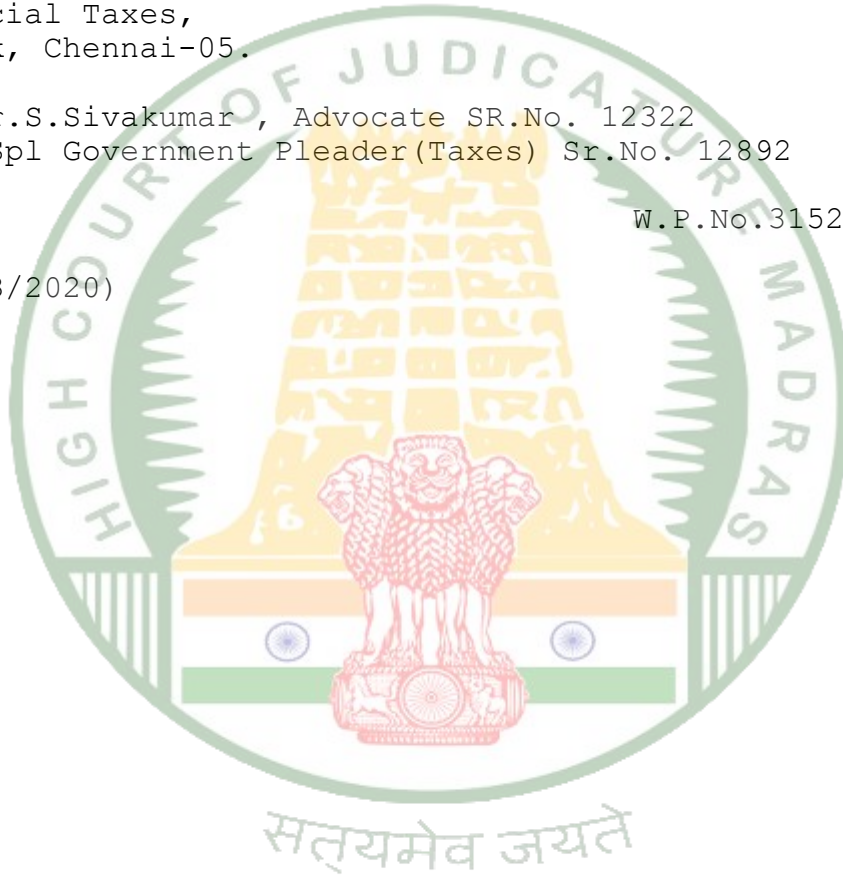
1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Commercial Taxes Department,
Fort St.George,
Chennai-09.

2.The Additional Chief Secretary/Commissioner,
Commercial Taxes,
Chepauk, Chennai-05.

+1cc to Mr.S.Sivakumar , Advocate SR.No. 12322
+1 cc to Spl Government Pleader(Taxes) Sr.No. 12892

W.P.No.31523 of 2018

A.SK(17/03/2020)



WEB COPY