



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.24484 of 2016

and

W.M.P. (MD) .No.17669 of 2016

V.Subramanian

.. Petitioner

Vs.

1. The State represented by the
Principal Secretary to Government,
Commercial Tax Department,
Secretariat,
Chennai-600 009.

2.The Commissioner,
Commercial Tax Department,
Chepauk, Chennai - 600 005.

3.The Joint Commissioner,
Commercial Tax Department,
Tirunelveli.

4.The Deputy Commissioner,
Commercial Tax Department,
Sivakasi,
Virudhunagar District.

5.The Commercial Tax Officer (Principal),
O/o the Commercial Tax,
Commercial Tax Department,
Srivilliputhur,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue ratification order in respect of G.O.(2D).No.68 Commercial Tax and Registration (A-1) Department, dated 14.10.2016 based on the proposal submitted by the 4th respondent in R.O.C.No.A1/3344/2010, dated 17.09.2010 and by the 5th respondent in Ka.Mu.A 19/2013-14 dated 04.09.2013 and to absorb the petitioner in regular time scale either as Sweeper or any other equivalent cadre in Basic Service as per the orders issued by the government in G.O.Ms.No.385 Finance (Salaries) Department, dated 01.10.2010 and to



regularize the services of the petitioner with all attendant and monetary benefits.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

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ORDER

Though the petitioner has sought for issuance of writ of mandamus to direct the first respondent to issue ratification order in respect of G.O.(2D).No.68 Commercial Tax and Registration (A-1) Department, dated 14.10.2016 based on the proposal submitted by the 4th respondent in R.O.C.No.A1/3344/2010, dated 17.09.2010 and by the 5th respondent in Ka.Mu.A 19/2013-14 dated 04.09.2013 and to absorb the petitioner in regular time scale either as Sweeper or any other equivalent cadre in Basic Service as per the orders issued by the government in G.O.Ms.No.385 Finance (Salaries) Department, dated 01.10.2010 and to regularize the services of the petitioner with all attendant and monetary benefits, in my view, such a decision is to be taken by the first respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 11.11.2016 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 11.11.2016, on its own merits and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the first respondent to consider it in accordance with law.



6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Commercial Tax Department,
Secretariat,
Chennai-600 009.

2.The Commissioner,
Commercial Tax Department,
Chepauk, Chennai - 600 005.

3.The Joint Commissioner,
Commercial Tax Department,
Tirunelveli.

4.The Deputy Commissioner,
Commercial Tax Department,
Sivakasi,
Virudhunagar District.

5.The Commercial Tax Officer (Principal),
O/o the Commercial Tax,
Commercial Tax Department,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-8719[F] dated 27/02/2020)

+1 CC to M/s.Special Govt.Pleader (SR-9112[F] dated 28/02/2020

W.P. (MD) No.24484 of 2016
27.02.2020

PJL

SDS (16.03.2020) 3P-8C

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