BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9925 of 2016

K.N.Manikandan ... Petitioner

vs.

1)The Principal Secretary and Commissioner of Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai.
2)The Joint Commissioner (CT),
Madurai. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 28.03.2016 seeking for inclusion of his name in the panel of year 2016 for promotion to the post of Commercial Tax Officer and pass necessary orders thereon in accordance with law and on merits within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.Jerin Mathew
For Respondents : Mrs.J.Padhmaavathi Devi, Special Government Pleader

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 28.03.2016 seeking for inclusion of his name in the panel of year 2016 for promotion to the post of Commercial Tax Officer and pass necessary orders thereon in accordance with law and on merits within the period that may be stipulated by this Court.

2.The petitioner would submit that he is working as Superintendent/Deputy Commercial Tax Officer at the office of Assistant Commissioner(CT), Dindigul, and his next avenue of promotion is Joint Commercial Tax Officer. Even though he was found eligible to be appointed as Joint Commercial Tax Officer in 2014, his name was not found place in the promotional panel and he was not promoted due to the pendency of disciplinary enquiry. The enquiry against the petitioner culminated into the punishment of reduction in pay with cumulative effect for one year and the said punishment was over by January 2016 itself. The crucial date for preparing the panel for promotion is 1st March of every year, but the petitioner was not considered for promotion for the year 2016 and therefore, he had given a detailed representation dated 28.03.2016 and it has not been considered till date. Hence, present writ petition.

3.Today, when the writ petition is taken up for hearing, learned counsel for the petitioner would state that it is suffice, if a direction is issued to the respondents to pass orders on the representation of the petitioner dated 28.03.2016.

4.The learned Special Government Pleader appearing for the respondents would state that the respondents will pass orders on the representation of the petitioner dated 28.03.2016 within a time frame to be fixed by this Court.

5.Considering the limited relief sought for and the submission of the learned Special Government Pleader, this writ petition is disposed of directing the respondents to pass orders on the representation of the petitioner dated 28.03.2016 in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to state that the petitioner shall send copy of the representation dated 28.03.2016 along with a copy of this order to the respondents so as to enable them to comply with the above direction of this Court within the stipulated time. No costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1)The Principal Secretary and Commissioner of
Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai.

2)The Joint Commissioner (CT),
Madurai.

+1 CC to M/s.SPL.GP (SR-10774[F] dated 10/03/2020)

+1 CC to M/s.M.E.ILANGO, Advocate (SR-11000[F] dated 11/03/2020)

ORDER MADE IN
W.P(MD)No.9925 of 2016
DATED : 09.03.2020

KG(CO)
TR(17.03.2020) 3P 5C