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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.11.2021

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.10154 of 2021

&

W.M.P.No.10784 of 2021

Y.Divya Darshini

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai - 600 005.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to prepare a comprehensive seniority list from the cadre of DCTO/ACTO in relation to permanent post by taking into account the 4 Principles laid down by this Hon'ble Court in W.A.No.626 to 628 of 2020 in a time bound manner.

For Petitioner .. Mr.S.R.Raghunathan

For Respondents .. Mr.V.Manoharan, A.G.P

ORDER

This Writ Petition is filed to issue a writ of Mandamus directing the respondents to prepare a comprehensive seniority list from the cadre of DCTO/ACTO in relation to permanent post by taking into account the 4 Principles laid down by this Hon'ble Court in W.A.No.626 to 628 of 2020 in a time bound manner.

2.In response to the Writ petition, a counter affidavit has been filed and at tail-end of the counter, it is stated as follows;



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"It is most humbly submitted that preparation and finalization of inter se seniority between the categories in the above cadre has been finalized from the year 1981 onwards and after obtaining orders of this High Court, the same will be published and finalized as per the Tamil Nadu Conditions of Service Act, 2016 and thereby the prayer of the petitioner would also be redressed.

It is therefore, prayed that this Court may be pleased to pass suitable permitting the 2nd respondent to publish the inter-se-seniority list from the year 1981 to 2020 in the basis Assistant Commercial Tax Officer cadre and proceed thereon for finalizing the seniority to the permanent cadre in other category of post as per the orders of this Court in W.A.Nos.626, 627 and 628 of 2020."

3.In view of the statement made in the counter affidavit that the comprehensive seniority list in the subject cadre is ready and only seeking permission of this Court to publish the same, this Court in consideration of the limited prayer being sought and also the statement made in the counter affidavit, dispose of the Writ Petition as under;

The first respondent is directed to publish the seniority in the categories of which are the subject matter of the present lis as stated in the counter affidavit and publish the same within a period of two weeks from the date of receipt of copy of this order.

4.At this, the learned counsel for the petitioner would request this Court to grant liberty to the petitioners to approach this Court in case they are still aggrieved by reflection of their seniority in the list to be published by the first respondent.

5.With the above observations and granting such liberty, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Commercial Taxes,
Ezhilagam, Chempauk,
Chennai - 600 005.

+2cc to Mr.G.Prabhu, Advocate, S.R.No. 62149
+1cc to the Government Pleader, S.R.No. 62196

W.P.No.10154 of 2021
and W.M.P.No.10784 of 2021

RSV (CO)
TE (01/12/2021)