



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.06.2021

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 12792 of 2021

P. Sakthivel

..Petitioner

Vs

1.Government of Tamil Nadu
Represented by its Secretary,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 600 009.

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

3.The Accountant General of Tamil Nadu (A&E),
Having Office at DMS Compound,
Teynampet, Chennai - 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1&2 to forthwith implement the order passed in G.O.Ms.No.149, Commercial Taxes and Registration (E2) Department dated 05.10.2020 by granting promotion to the post of Additional Commissioner w.e.f., being the date of promotion granted to the petitioner's junior and consequently re-fix the pay of the petitioner w.e.f. in the promoted post and to direct for the payment of arrears of wages, differential pension and to enhance pension by considering the representation dated 01.02.2021 of the petitioner within a time limit that may be specified by this Court.

For Petitioner : Mr.V.Selvaraj

For RR 1&2 : Mr.C.Kathiravan

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to forthwith implement the order passed in G.O.Ms.No.149, Commercial Taxes and Registration (E2) Department dated 05.10.2020 by granting promotion to the post of Additional Commissioner w.e.f., being the date of promotion granted to the petitioner's junior and consequently re-fix the pay of the petitioner w.e.f. in the promoted post and to direct for the payment of arrears of wages, differential pension and to



enhance pension by considering the representation dated 01.02.2021 of the petitioner within a time limit that may be specified by this Court.

2. The case of the petitioner is that the petitioner joined as Assistant Commercial Tax Officer in the Commercial Tax Department on 20.04.1990. Thereafter, he was promoted to the post of Joint Commissioner and subsequently, he retired from service in the cadre of Joint Commissioner on 31.08.2018. Even before his retirement, he was due for promotion to the post of Additional Commissioner. However, due to pendency of various litigations before the constitutional court, he was not given promotion to such post when the petitioner was in service. After the conclusion of various litigations among the promotees, the first respondent has issued G.O.Ms.No.149, Commercial Taxes and Registration (E2) Department, dated 05.10.2020, in which, the Government recommended the names of three Joint Commissioners including the petitioner's name for promotion to the post of Additional Commissioner based on their seniority. Following the same, the petitioner submitted a representation to the second respondent dated 01.02.2021 to implement the aforesaid Government Order, dated 05.10.2020 and to re-fix the seniority notionally so as to enable the petitioner to get enhanced pension and arrears of pension. Till now, the representation of the petitioner dated 01.02.2021 has not been considered by the respondents. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the Respondents to consider the petitioner's representation dated 01.02.2021 and dispose of the same within a stipulated time that may be fixed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 1 & 2 to consider the petitioner's representation dated 01.02.2021 and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



To

1. The Secretary,
Government of Tamil Nadu
Commercial Taxes and Registration Department,
Fort St. George, Chennai - 600 009.

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

3. The Accountant General of Tamil Nadu (A&E),
Having Office at DMS Compound,
Teynampet, Chennai - 600 006.

+1 cc to Special Government Pleader (Taxes) Sr.No. 28479

+1 cc to Government Pleader Sr.No. 28444

+1cc to Mr.V.Selvaraj, Advocate SR.No. 28245

W.P.No. 12792 of 2021

GPL(CO)

B.VC(16.07.2021)