



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE R. VIJAYAKUMAR

W.A.NO. 2595 OF 2021 AND
C.M.P. NO. 16943 OF 2021

K.S.LakshmiNarayanan

...Appellant/
Third Party

..Vs..

1. M. Sasikumar
2. D. Mythili
3. A. Arunmozhi
4. The State of Tamil Nadu represented
by the Principal Secretary to Government
Commercial Taxes and Registration Department
Secretariat, Chennai - 9.
5. The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai - 5.

....Respondents

Prayer:

Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 05.07.2021 passed by this Court in W.P.No.4785 of 2021.

Prayer in W.P.No.4785 of 2021:

It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ directing the Respondents herein to prepare the inter se seniority list between directly recruited Assistant Commissioners (Commercial Taxes) and the Transferees from directly recruited Group II Candidates after duly revisiting and revising the inter se-seniority lists right from DCTO cadre in compliance with the directions of the Division Bench of this Honourable Court as rendered in Judgement dated 28/07/2016 in W. P. Nos. 18264 of



2013 and 11118 of 2016 batch judgement and Judgement dated 05/11/2020 in W. A. Nos. 626 to 628 of 2020 to issue inter se seniority list between the directly recruited Assistant Commissioners and Transferee Assistant Commissioners (CT) from the year 2014, calling for objections from the concerned parties within a limited time frame and in any event prior to grant of any promotion to the post of Deputy Commissioner (CT) and pass such further or other orders as this Hon'ble Court may deem fit in the nature.

For Appellant :Mr.V. Vijayashankar
for Ms. Adithya Reddy

For Respondents :Mr.M.Ravi for R1 to R3
Mr.K.Tippusultan for R4 & R5
Government Advocate.

J U D G M E N T

(Judgment of the Court was delivered by S.VAIDYANATHAN,J)

This Writ Appeal is filed against the interim order of the learned Single Judge dated 05.07.2021 passed in W.P.Nos.4785 and 10126 of 2021.

2. The learned counsel appearing for the Appellant submitted that the Appellant is the third party and despite the allegations made against him in the Writ Petitions, he was not made as a party in the Writ Petitions. He further submitted that the entire promotion has been stalled, in view of the interim order granted by this Court on 23.04.2021 and subsequently extended on 05.07.2021.

3. The learned Government Advocate appearing for the Respondents 4 and 5 submitted that if the Appellant is so aggrieved by the interim order passed by the learned Single Judge, he ought to have filed a petition for vacating the interim order, without doing so, the Appellant who is not a party to the Writ petitions has straight away approached this Court, by filing the Writ Appeal and hence the Writ Appeal filed is not maintainable. He further submitted that they have filed a counter in the Writ Petitions and expected to serve copies to the Appellant herein and the Respondents.

4. We are not inclined to render any final decision in this Writ Appeal for the reason that the Appellant/Third Party who is before this Court is deemed to be impleaded as a Third Respondent in the Writ Petitions and contest the case.



5. In view of the same, this Writ Appeal stands dismissed. However, liberty is given to the Appellant herein to file a petition to vacate the interim order and take a plea that on the ground of non-joinder of necessary parties. It is made clear that merely, this Court has added the Appellant as a party, it will not give right to the Respondents herein to contend that the Division Bench has impleaded the Appellant herein as a party to the Writ Petitions.

6. We are not expressing any opinion on the order passed by the learned Single Judge and it is open to the learned Single Judge to consider if any petition filed for vacating the interim order, by the Appellant herein. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr/shk

To

1. The Principal Secretary to Government
State of Tamil Nadu,
Commercial Taxes and Registration Department
Secretariat, Chennai - 9.
2. The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai - 5.

+1cc to the Special Government Pleader, S.R.No.56789,56373
+1cc to Government Pleader, SR.NO.56670(21/12/2021)

W.A.No.2595 of 2021

(CO)
PM/29/11/2021