



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.11591 of 2021

L.Subramanian

... Petitioner

Vs.

1.The Principal Secretary to Government,
Commercial Taxes and Registration (A1) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Principal Secretary/
Commissioner of Commercial Taxes,
O/o.the Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

3.The Deputy Commissioner (State Tax),
O/o.the Deputy Commissioner (ST),
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to regularize the period from 10.08.2017 to 05.10.2017 by considering the last representation dated 15.06.2021 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

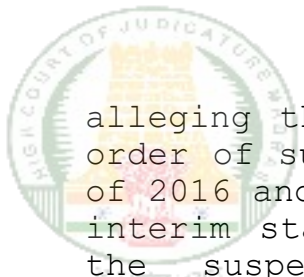
For Respondents : Mr.K.S.Selvaganesan
Government Advocate

ORDER

The present writ petition has been filed for a direction to the second respondent to regularize the period from 10.08.2017 to 05.10.2017 by considering petitioner's representation dated 15.06.2021, within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

3. According to the petitioner, he was appointed as Deputy State Tax Officer (Audit, Arrear, Refund) at the office of the Deputy Commissioner (State Tax), Virudhunagar District. He was placed under suspension on 10.09.2014 by the second respondent



alleging that he was involved in acceptance of bribe. Against the order of suspension, he has filed a writ petition in W.P(MD)No.4705 of 2016 and this Court stayed the suspension order. Pursuant to the interim stay granted by this Court, the second respondent revoked the suspension of the petitioner, vide proceedings, dated 10.08.2017. The second respondent by order dated, 13.09.2017, posted the petitioner at Salem Division. The petitioner joined duty on 06.10.2017, but the period from 10.08.2017 to 05.10.2017 was not regularized till date. Hence, the petitioner has given several representations to the respondents to regularise the above said period. Since the respondents have not passed any orders, the petitioner has come out with the present writ petition.

4. The learned Government Advocate appearing for the respondents submitted that the proposal for regularising the petitioner's service period from 10.08.20217 to 05.10.2017 is pending with the first respondent and the same would be considered on merits within the period stipulated by this Court.

5. Considering the submission of the learned Government Advocate appearing for the respondents, without deciding the issue on merits in the writ petition, the first respondent is directed to consider the representation of the petitioner dated 15.06.2021 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

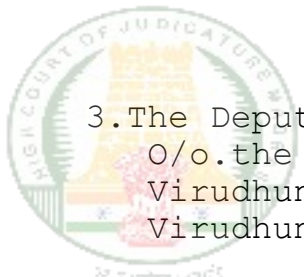
Sub Assistant Registrar (CS)

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To

1. The Principal Secretary to Government,
Commercial Taxes and Registration (A1) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Principal Secretary/
Commissioner of Commercial Taxes,
O/o. the Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.



3.The Deputy Commissioner (State Tax),
O/o.the Deputy Commissioner (ST),
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.S.LOUIS, Advocate (SR-22068[F] dated 12/07/2021)

+1 CC to M/s.SPL GP (SR-22294[F] dated 13/07/2021)

W.P. (MD)No.11591 of 2021

12.07.2021

CM(CO)

LR (27.07.2021) 3P 6C