



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .Nos.1648 and 1649 of 2018

W.P. (MD) .No.1648 of 2018

1.M.Indhumathi
2.B.Chidambaram
3.S.Selvakumari

... Petitioners

vs.

1.The Additional Chief Secretary - cum
Commissioner,
Department of Commercial Tax,
Chepauk,
Chennai 5.

2.The Joint Commissioner,
Commercial Taxes,
Tirunelveli Division,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner services as Grade III Steno Typist in the cadre of Assistant and also to Revise the Seniority with consequential benefits including promotion as Superintendent on the date of the petitioner's juniors were promoted in the light of the order passed by the Division Bench in W.A.No.2237 and 2238 of 2011, dated 12.06.2013, within a time frame as stipulated by this Court.

For Petitioner : Mr.A.Srinivasan
for Mr.V.Perumal

For Respondents : Mr.K.S.Selvaganesan
Standing counsel for the State

W.P. (MD) .No.1649 of 2018

Lavagusa

... Petitioner

vs.

1.The Additional Chief Secretary - cum
Commissioner,
Department of Commercial Tax,
Chepauk,
Chennai 5.



2.The Joint Commissioner,
Commercial Taxes,
Tirunelveli Division,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner services as Grade III Steno Typist in the cadre of Assistant and also to Revise the Seniority with consequential benefits including promotion as Superintendent on the date of the petitioner's juniors were promoted in the light of the order passed by the Division Bench in W.A.No.2237 and 2238 of 2011, dated 12.06.2013, within a time frame as stipulated by this Court.

For Petitioner : Mr.A.Srinivasan
for Mr.V.Perumal
For Respondents : Mr.K.S.Selvaganesan
Standing counsel for the State

C O M M O N O R D E R

The petitioners have sought a Mandamus directing the respondents being the Additional Chief Secretary cum Commissioner and the Joint Commissioner, Commercial Taxes, (R1 and R2 respectively), to consider the services of the petitioners as Grade - III Steno Typist, in the cadre of Assistant and to revise the seniority with all consequential benefits including the promotion. Reliance is placed on a decision of the Division Bench in W.A.Nos.2237 and 2238 of 2011, dated 12.06.2013.

2. A counter has been filed by the second respondent (R2), wherein reliance is placed upon G.O.(Ms.)No.163, Personnel and Administrative Reforms (B) Department, dated 19.11.2010, that, according to the respondents, militates against the relief sought for by the petitioner.

3. However, Mr.K.S.Selvaganesan, learned Standing counsel appearing for the State would assure the Court that orders would be passed as on the petitioners' representation, dated 01.04.2017, after hearing them, within a period of six weeks from today, insofar as the petitioners have sought the same relief therein as well.

4. Recording the aforesaid, a direction is issued to the second respondent (R2) consider representation dated 01.04.2017, hear the petitioners and pass orders thereupon on merits and in accordance with law, within a period of six weeks from today.



5. These Writ Petitions are disposed as above. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Additional Chief Secretary - cum
Commissioner,
Department of Commercial Tax,
Chepauk,
Chennai 5.

2.The Joint Commissioner,
Commercial Taxes,
Tirunelveli Division,
Tirunelveli.

+2 CC to M/s.V.PERUMAL, Advocate (SR-33819[F] dated 09/11/2021)

+1 CC to M/s.SPL.GP (SR-33949[F] dated 10/11/2021)

ORDER MADE IN
W.P. (MD)No.1649 of 2018
09.11.2021

TSK (CO)
RS/SKN (19.11.2021) 3P 6C