IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.2602 OF 2022

S.Ramadhas,
S/o.S.Subramani,
Assistant,
O/o.Assistant Commissioner (ST) (Investigation)(Intelligence),
Integrated Commercial Taxes Building,
Pitchards Road, Hasthampatti,
Salem.

... Petitioner

Vs.

The Joint Commissioner (State Taxes),
Salem State Taxes Division,
Integrated Commercial Taxes Building,
Pitchards Road, Hasthampatti,
Salem.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 27.10.2021 within a time fame as may be stipulated by this Court.

For Petitioner	:	Mr.Balamurugan
For Respondent	:	Mr.Richardson Wilson Additional Government Pleader

O R D E R

This writ petition has been filed to direct the respondent to consider the petitioner's representation dated 27.10.2021 and passed appropriate orders within a time frame as may be stipulated by this Court.

2.Mr.Richardson Wilson, learned Additional Government Pleader, takes notice for the sole respondent and is armed with the instructions to proceed with the matter finally. By consent of both the learned counsel this writ petition is disposed finally even at the stage of admission.

3.Brief facts of the case:

(i).The petitioner was appointed as a Junior Assistant in the office of the Assistant Commissioner of Commercial Taxes, Salem on 01.03.2013. Subsequently, his probation period was declared on 28.02.2015 by the Government Order in G.O.(D). No.202, Commercial Taxes and Registration (A2) Department dated 09.06.2016. Though the petitioner's service was regularized and probation period was declared, he was not provided with any promotion by the respondent on par with the other individuals who joined along with him, by stating the reason that his community certificate has to be obtained as genuine by the Tamil Nadu State Level Scrutiny Committee as he belongs to Schedule Tribe Community.

(ii).The Deputy Commissioner of Commercial Taxes, Salem, has requested the State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, Chennai, to very the genuineness of the petitioner's community certificate. Since there was a long delay on the part of the respondent as well as Adi Dravidar and Tribal Welfare Department in confirming genuineness, the petitioner has filed a petition in W.P.No.971 of 2018 and the same was disposed of by this Court with a direction to the Chairman, Tamil Nadu State Level Scrutiny Committee, Chennai, to complete the enquiry process in respect of genuineness of his community certificate following the relevant Government Orders. Thereafter, the above said Committee vide its order dated 06.03.2020 has confirmed that the petitioner belongs to the Schedule Tribe Community and subsequently, he was promoted as Assistant with effect from 27.08.2020 though he is eligible to be promoted in the year 2016. With regard to the same, the petitioner has made representations dated 07.10.2021 and 27.10.2021 before the respondent but the same is still pending. Hence, the present writ petition.

4.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as a Junior Assistant in the Office of the Assistant Commissioner of Commercial Taxes, Salem on 01.03.2013 and subsequently, his probation period was declared on 28.02.2015 but he was deprived of promotions on par with the persons who are all appointed along with him due to the lack of genuinity in his Community Certificate and also the administrative delay of the respondent as well as the State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, Chennai, with regard to verify the genuineness of his community certificate. Hence, he made representations dated 07.10.2021 and 27.10.2021 before the respondent but the same has not been considered by the respondent.

5.The learned Additional Government Pleader, appearing for the respondent submitted that the petitioner's representation dated 07.10.2021 and 27.10.2021 will be considered and the orders will be passed on merits in accordance with law.

6.Heard the learned counsel on either side and perused the materials placed on record.

7.On a perusal of the records it is seen that the respondent has drawn seniority list for promoting the eligible employees from the post of Junior Assistant to Assistant but the petitioner name has not been included in the said list for the reason that genuinity in his community certificate has not been finalized by the Levelled Committee, subsequently, he was promoted to the post of Assistant on 27.08.2020. But, view of the above, according to the learned counsel for the petitioner, the petitioner is eligible to be promoted in the year 2016. Hence, the petitioner has made representations dated 07.10.2021 and 27.10.2021 and the same is pending before the respondent.

8.In view of the above facts and circumstances of the case and considering the fact that the representations dated 07.10.2021 and 27.10.2021 made by the petitioner is still pending before the respondent, this Court is inclined to direct the respondent to consider the petitioner's representation and pass appropriate orders on merits in accordance with law as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

9.Accordingly, this Writ Petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The State Level Scrutiny Committee,
   Adi Dravidar and Tribal Welfare Department,
   Chennai.

2. The Joint Commissioner (State Taxes),
Salem State Taxes Division,
Integrated Commercial Taxes Building,
Pitchards Road, Hasthampatti,
Salem.

+1cc to the Special Government Pleader(Taxes), S.R.No.10410

W.P.No.2602 of 2022

PCH(CO)
RLP(03/03/2022)