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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.763 to 767 of 2014

S.R.Murali	...Petitioner in W.P.No.763 of 2014
C.Sumathi	...Petitioner in W.P.No.764 of 2014
V.Narmadha Devi	...Petitioner in W.P.No.765 of 2014
A.Petrisiya Kulandai Theresa	...Petitioner in W.P.No.766 of 2014
P.Balasubramanian	...Petitioner in W.P.No.767 of 2014

Vs.

1. The Secretary to Government,
Department of Commercial Taxes and Registration,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

...Respondents in all W.Ps

Common Prayer:Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in Letter Ref. No.P2/33037/2013 dated 19.11.2013 on the file of the respondent No.2 and quash the same and consequently directing the 2nd respondent to revise the list of Assistants fit for promotion to the post Deputy Commercial Tax Officer for the year 2012 vide his proceedings No.P2/17354/2012 dated 13.2.2013 and further direct second respondent to include the petitioner name in the said list and consequently direct the respondents to promote the petitioner as Deputy Commercial Tax Officers with effect from 13.2.2013 with all service benefits retrospectively more particularly within a time frame as may be stipulated by this Honourable Court.



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For Petitioners: No appearance[in all W.Ps]

For Respondents: Mr.Richardson Wilson
Additional Government Pleader
[in all W.Ps]

COMMON ORDER

All the writ petitions were listed for final hearing on 06.06.2022. None appeared for the petitioners on that day. In order to provide an opportunity, the case was directed to be listed under the caption "For Dismissal" on 08.06.2022. The matter was not taken up on 08.06.2022 and again, it was posted under the caption "For Dismissal" today on 10.06.2022. When the matter is called, none appeared for the petitioners today also.

2.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the name of the writ petitioners were not considered for promotion to the post of Deputy Commercial Tax Officer in the year 2012 panel, which was a temporary panel. In fact, a temporary panel of persons working in the cadre of Assistant fit for promotion to the Post of Deputy Commercial Tax Officer was published based on the vacancy position during the relevant point of time as there were less number of vacancies. Few members of service in accordance with their seniority was considered in the said temporary panel and accordingly, temporary promotions were granted.

3.Thereafter, 2013 panel was prepared. In the 2013 panel, number of vacancies were identified and subsequently, the names of all the petitioner were included in Sl.Nos.49 to 52 and in Sl.No.56. Thus, the names of all the petitioners were included in the panel of the year 2013, which was published by the Principal Secretary/Commissioner of Commercial Taxes, Ezhilagam, Chepauk, Chennai - 600 005 in proceedings Proc.No.P2/9812/2013-II dated 10.01.2014 and based on the said panel, all the petitioners were promoted to the post of Deputy Commercial Tax Officer on temporary basis.

4.This being the factum established, this Court is of the considered opinion that the petitioners have not established that the rule of seniority was violated in the temporary panel published in the year 2012. As per the seniority of the petitioners, their names were included in the next temporary panel of the year 2013, which was published in the year 2014 and all the petitioners were promoted accordingly to the post of Deputy Commercial Tax Officer.

5.This being the factum, the petitioners have not established any acceptable ground for the purpose of interfering



with the impugned temporary panel of the year 2012 published on 19.11.2013. If at all, any grievance exists for the petitioners as of now, they are at liberty to approach the competent authority for the redressal of their grievances.

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6. Accordingly, all the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

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

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

+1cc to the Special Government Pleader (Taxes),
S.R.No.34148, 34149, 34150, 34151, 34152, 34154

W.P.Nos.763 to 767 of 2014

PA(CO)
RGA(24/06/2022)