



WEB COPY



W.P.No.2015 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.2015 of 2017
and
W.M.P.Nos.2018 & 2019 of 2017

U.Selvam

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes & Registration Department,
Fort St. George, Chennai - 600 009.

2.The Principal Secretary/
Commissioner of Commercial Taxes,
O/, The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai.

3.The Joint Commissioner (CT),
Commercial Taxes Department,
No.4, Bharathiyar Salai, Vellore.

4.The Deputy Commissioner (CT),
Collectorate Complex,
Thiruvannamalai - 606 603.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus, calling for the records of



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the 1st respondent in Letter No.2567/A1/2011-5 dated 25.08.2015 and quash the same and direct the respondents to regularize the petitioner in the regular time scale of pay with effect from the date when he was initially appointed with all consequential attendant benefits and monetary benefits on par with the drivers appointed subsequent to the petitioner in regular time scale of pay.

For Petitioner : Mr.Adithya Reddy

For Respondents : M/s.K.Vasanthamala,
Government Advocate

ORDER

Heard Mr.Adithya Reddy, learned counsel for the petitioner and K.Vasanthamala, learned Government Advocate for the respondents.

2. Based on the recommendation of the employment exchange, the petitioner herein was appointed as a Driver on 30.04.2004 on daily wage basis. Through a letter dated 10.02.2011, the Commissioner of Commercial Taxes, Chennai had recommended to the Government for regularizing the services of the petitioner from the date of his appointment. Since there was no further action to the recommendation on the part of the Government, the present writ petition has been filed.



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3. Through a letter dated 25.08.2015, which is impugned in the present writ petition, the Government had rejected the recommendation of the Commissioner of Commercial Taxes, by stating that the benefit of G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2008 cannot be extended to this case. No other valid reason has been assigned in the said letter to reject the recommendation of the Commissioner of Commercial Taxes.

4. The learned counsel for the petitioner produced a copy of the order passed by this Court in the case of ***P.Subramani Vs. The State of Tamil Nadu, Commercial Taxes and Registration Department passed in W.P.No.1650 of 2016, dated 11.01.2019***, wherein, this Court had directed the Government to regularize the services of one of the Drivers by placing reliance on the cases of other similarly placed Drivers in other departments of the Government.

5. A perusal of the order ratifies that the name of the Driver therein, namely P.Subramani, was one among the three Drivers who was recommended by the Commissioner on 10.02.2011. Since the petitioner is



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also similarly placed as that of P.Subramani, he would also be entitled for the benefit of regularization.

6. In the result, the impugned letter passed by the first respondent dated 25.08.2015 is quashed. Consequently, there shall be a direction to the first and second respondents herein to pass appropriate orders, regularizing the services of the petitioner herein from the date of his initial appointment, i.e. from 30.04.2004, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No
Speaking order/Non-speaking order
hvk



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M.S.RAMESH,J.

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