



W.P.No.3386 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.3386 of 2021

and

W.M.P.Nos.3871 of 2021 & 3259 of 2022

Y.Rani

... Petitioner

Vs.

1.The Principal Secretary to Commercial Tax Department,
Fort St.George, Chennai – 9.

2.The Deputy Commissioner (Commercial Tax),
Vellore Commercial Tax District,
Vellore Post & District.

3.The Assistant Commercial Tax Commissioner,
Office of Commercial Tax Office,
Vellore Post & District.

4.The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai – 5.

5.The Principal Secretary to Finance Department,
Fort St. George, Chennai – 9.

... Respondents



W.P.No.3386 of 2021

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of 1st respondent dated 10.08.2021 issued in G.O.(2D) No.29 Commercial Tax and Registration (A1) Department and quash the portion in respect of restricting the monetary arrears with effect from 10.08.2021 alone and consequently to direct the 1st respondent to pay the regular time scale of pay of Rs.4800-10000-1300 (G.P) to the petitioner from the date of her initial appointment (19.01.1995) or if not possible at least from the date (19.01.2005) on which her service was regularized along with accrued arrears.

[Prayer amended vide order dated 07.12.2022 made in W.M.P.No.21451 of 2021 in W.P.No.3386 of 2021]

For Petitioner	:	Mr.P.I.Thirumoorthy
For Respondents 1 to 4	:	M/s.K.Vasantha Mala Government Advocate
For Respondent 5	:	Mr.R.U.Dinesh Rajkumar Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the proceedings of the 1st respondent dated 10.08.2021 issued in G.O.(2D) No.29 Commercial Tax and Registration (A1) Department, in respect of restricting the monetary arrears with effect from 10.08.2021 alone and consequently, to direct the 1st respondent to pay



W.P.No.3386 of 2021

the regular time scale of pay of Rs.4800-10000-1300 (G.P) to the petitioner from the date of her initial appointment (19.01.1995) or from the date of her regularization i.e., from 19.01.2005, along with accrued arrears.

2. Heard Mr.P.I.Thirumoorthy, learned counsel for the petitioner, M/s.K.Vasanth Mala, learned Government Advocate appearing for the respondents 1 to 4 and Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader appearing for the fifth respondent.

3. Learned counsel for the petitioner would submit that subsequent to the filing of this writ petition, G.O.(2D).No.29, Commercial Tax and Registration (A1) Department, dated 10.08.2021 has been issued regularizing the petitioner from 19.01.2005, on completion of ten years from the date of her initial appointment and restricting the monetary arrears to be paid only from the date of the aforesaid G.O. i.e., from 10.08.2021. In view of passing of the aforesaid G.O., the prayer sought for in this writ petition has been amended at the instance of the petitioner by challenging the said G.O. only in respect of the portion restricting payment of monetary arrears only from the date of passing of the G.O. and seeking for a direction to the respondents to pay the same either from the date of her initial appointment or from the date of her regularization.



W.P.No.3386 of 2021

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To

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- 2.The Deputy Commissioner (Commercial Tax),
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Vellore Post & District.
- 3.The Assistant Commercial Tax Commissioner,
Office of Commercial Tax Office,
Vellore Post & District.
- 4.The Commissioner of Commercial Taxes,
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- 5.The Principal Secretary to Finance Department,
Fort St. George, Chennai – 9.



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W.P.No.3386 of 2021

ABDUL QUDDHOSE. J.,

sp

W.P.No.3386 of 2021

10.01.2023