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W.P.No.17367 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17367 of 2012

1. P.Vellaiammal, (Deceased)

2. M.Manickam,
(P2 Substituted as LR of deceased
sole petitioner vide order dated 14.09.2022
made in WMP.21889/2022 in
W.P.No. 17367 of 2012)

... Petitioners

-Vs-

1. The Principal Secretary/Special Commissioner,
Commercial Taxes Department,
Chepauk, Chennai – 600 005.

2. The Joint Commissioner of Commercial Taxes,
Trichy Division, Trichy, Trichy District.

3. The Deputy Commissioner (Commercial Taxes),
Trichy Town, Court Complex,
Commercial Tax Building, Trichy -1

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to appoint the Petitioner as Typist Grade-I with effect from the date of



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completion of 18 years of service in the post of Typist, namely, 26.05.2002 and direct the respondents to fix her pay in the scale of pay applicable to the said post with effect from the said date with monetary benefits and grant her all consequential benefits including Selection Grade in the post of Typist Grade -I with effect from 26.05.2012.

For Petitioner : Mr. P.Mohanraj

For Respondents : Mrs.Vasanthala Mala
Government Advocate (Taxes)

ORDER

This Writ Petition has been filed for direction directing the 1st respondent to appoint the petitioner as Typist Grade-I with effect from the date of completion of 18 years of service in the post of Typist.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Taxes) appearing for the respondents and perused the materials available on record.

3. The petitioner died and her husband is substituted as legal heir of the deceased petitioner. The petitioner had joined as Typist in the office of third respondent. She was initially appointed as Typist on



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10.08.1983 and her service was regularized with effect from 26.05.1984.

She was awarded Selection Grade on completion of 10 years of service with effect from 26.05.1994 and she was also granted Special Grade on completion of 20 years of service with effect from 26.05.2004.

4. In the year 1994, the Government of Tamil Nadu passed a Government order in G.O.Ms.No. 45, P &AR Department, dated 15.02.1994, creating a new category of post, viz., Typist Grade-I. Accordingly, the Government called for upgradation of Typist post as Typist Grade -I based on the number of person who have completed 18 years of service as Typist. Accordingly, two typists were upgraded as Typist Grade -I in the 3rd respondent Department by G.O.Ms.No.168, dated 19.06.1995. As far as the petitioner is concerned, she completed 18 years of service as Typist on 26.05.2002. However, she was not appointed in the upgraded post of Typist Grade -I. Therefore, the petitioner submitted detailed representation to the Authority concerned for her appointment to the post of Typist Grade-I. The 2nd respondent forwarded the request of the petitioner to the 1st respondent, by its communication dated 14.12.2009. Even then, the request made by the



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petitioner was not considered and as such, the 2nd respondent by its communication dated 24.09.2010 forwarded its recommendation to the 1st respondent.

5. On perusal of the counter filed by the respondents revealed that there is no such post as Typist Grade-I and it is to be created for the purpose, to appoint Typists who have completed 18 years of service. That apart, it is under consideration with the Government. The similarly placed persons approached this Court and this Court directed the Authority concerned to pass appropriate orders regarding creation of the promoted Typist Grade-I post. It was challenged before the Hon'ble Division Bench of this Court in Writ Appeal No. 766 of 2015 dated 21.07.2017 and this Court directed the Authority concerned to pay arrears of monetary benefits.

6. Considering the above facts and circumstances of the case, the 1st respondent is directed to appoint the deceased petitioner as Typist Grade -I with effect from the date of completion of 18 years of her service in the post of Typist i.e., 26.05.2002, notionally and fix her salary



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in the scale of pay applicable to the post and disburse all monetary benefits and other consequential benefits including Selection Grade in the post of Typist Grade-I to the 2nd petitioner/husband of the deceased petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ petition stands allowed. There shall be no order as to costs.

23.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

Lpp/ns1



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G.K.ILANTHIRAIYAN, J.

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To

1. The Principal Secretary/Special Commissioner,
Commercial Taxes Department,
Chepauk, Chennai – 600 005.
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