



WEB COPY



W.P. No. 26510 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 26510 of 2013

S. Abdul Basheer

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Commercial Taxes and Registration Department,
Fort St. George, Chennai – 9.

2. The Commissioner of Commercial Taxes,
Chepauk, Chennai – 5.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the First Respondent's Letter No. 9076/E2/2013-3 dated 20.08.2013, to quash the same and consequently direct the Respondents to sanction and disburse the remuneration as applicable for holding full additional charge and for disbursing duties for the remaining 7 periods / occasion as Appellate Deputy Commissioner.

For Petitioner : Mr. L.Chandrakumar

For Respondents : Mr. C.Harsha Raj,
Additional Government Pleader



W.P. No. 26510 of 2013

ORDER

WEB COPY

Heard Mr. L.Chandrakumar, Learned Counsel for the Petitioner and Mr. C.Harsha Raj, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that at the time of his retirement from service in the post of Deputy Commissioner (Commercial Taxes) on the afternoon of 30.11.2010, he was holding full additional charges of the following offices:-

1.	Appellate Deputy Commissioner (CT) II, Chennai
2.	Appellate Deputy Commissioner (CT), Thirunelveli
3.	Appellate Deputy Commissioner (CT), Virudhunagar
4.	Appellate Deputy Commissioner (CT), (Main), Coimbatore
5.	Appellate Deputy Commissioner (CT), (Additional), Coimbatore
6.	Appellate Deputy Commissioner (CT), (South) Madurai
7.	Appellate Deputy Commissioner (CT), (North) Madurai
8.	Appellate Deputy Commissioner (CT), Vellore

He had made a representation dated 10.03.2012 to the First Respondent that though he had made eight separate claims before his retirement for



W.P. No. 26510 of 2013

renumeration of the full additional charges, he has not been sanctioned the

same. This Court by order dated 21.06.2013 in the Writ Petition in W.P. No.

16687 of 2013 filed by the Petitioner directed the First Respondent to pass orders on that representation within eight weeks from the date of receipt of its copy. In furtherance to the said order, the First Respondent by order dated 22.08.2013 informed the Petitioner that as he had retired from service prior to 03.10.2011, the additional pay would be extended only for the first five months in a post and for one post only, and it was not possible to sanction additional pay irrespective of the number of posts of additional charge held by Group-A and Group-B Officers, which is challenged in this Writ Petition.

3. The only contention raised in this Writ Petition is that the benefit of the amendment to Fundamental Rule 49(1)(iii) introduced by G.O. (Ms.) No. 122, P & AR (FR-IV) Department dated 03.10.2011 issued by the Government of Tamil Nadu, has not been extended to him.

4. As rightly pointed out by the First Respondent in the impugned order, the benefit of the said amendment has only prospective effect and cannot be applied in respect of persons who retired from service prior to 03.10.2011, as in this case. Further, it is not in dispute that the eligible amount of additional pay for



W.P. No. 26510 of 2013

one post for five months has been granted to the Petitioner by Proceedings in

G.O. (D) No. 449, Commercial Taxes Department dated 04.10.2012 issued by the Government of Tamil Nadu. In such circumstances, the claim made by the Petitioner for additional pay for holding eight additional charges cannot be countenanced.

In fine, the Writ Petition, which is devoid of merits, is dismissed. No costs.

31.08.2023

skr

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 31.05.2024.

To

1. The Principal Secretary to Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Fort St. George, Chennai – 9.
2. The Commissioner of Commercial Taxes,
Chepauk, Chennai – 5.



WEB COPY



W.P. No. 26510 of 2013

P.D. AUDIKESAVALU, J.

skr

W.P. No. 26510 of 2013

31.08.2023