



W.P.No.13912 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 30.10.2023

CORAM :

THE HON'BLE Ms. JUSTICE R.N. MANJULA

W.P.No.13912 of 2020

V.Saravanan

... Petitioner

Versus

- 1.The Secretary to Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat, Chennai – 600 009.
 - 2.The Secretary to Government of Tamil Nadu,
Personal and Administrative Reforms Department,
Secretariat, Chennai – 600 009.
 - 3.The Secretary to Government of Tamil Nadu,
Department of BC & MBC Welfare,
Secretariat, Chennai – 600 009.
 - 4.The Principal Secretary/Commissioner of Commercial Taxes,
Office of Commissioner of Commercial Taxes,
Chepauk, Chennai – 600 005.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 18.03.2020 to re-fix the petitioner's seniority to the post of ACTO by including the name of the petitioner in the appropriate place for the panel year 2002 onwards as the petitioner belongs to the MBC/DNC community and in the light of the same further promotion to the post of DCTO (now re-designated as



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Commercial Officer-CTO and then as State Tax Officer-STO) needs to be revised with inclusion in the appropriate panel and consequential appointment to the post of CTO (now re-designated as Assistant Commercial Taxes) as done in the case of persons belonging to the SC/ST community in terms of the order passed by the Honorable Supreme Court of India passed in Civil Appeal No.9334 of 2018(arising out of SLP (Civil).No.5588 of 2006 with all attended monetary benefits within the period that may be stipulated by this Court.

For Petitioner : Mr. E. Mohamed Abbas

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

ORDER

The petitioner has filed this writ petition seeking a direction for re-fixation of the seniority by taking into consideration the rules of reservation and most particularly, in compliance of the Hon'ble Supreme Court Judgment made in Civil Appeal No.9334 of 2018, arising out of S.L.P.(Civil).No.5588 of 2006.

2.Learned counsel appearing for the petitioner has submitted that the said judgment held that the Government binds to provide the reservation and recruitment servants to the posts of Deputy State Tax Officer/Assistant



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Commissioner for the Backward Class and the persons belonging to the MBC Community. The claim of the petitioner is that he is entitled to the post of Deputy Commercial Tax Officer from the year 2004 itself. The petitioner made several representations for including his name in the panel from the year 2018 up to his last representation dated 18.03.2020. The same was not considered by the respondents and seniority was not re-fixed. Hence, the Writ Petition.

3.Learned Government Advocate appearing for the respondents would submit that the respondents are ready to consider the representation of the petitioner, but, however, the promotion panel cannot be released until pending the Writ Petition in W.P.No.25275 of 2023, which has been filed by One Sugumar, challenging the Commercial Tax Officer promotion panel list. Since the respondents are awaiting for the outcome of the said Writ Petition.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



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5.In view of the above submissions, this Writ Petition is disposed of by granting a direction to the respondents to consider the representations of the petitioner, and to release the promotion panel list subject to the outcome of the pending Writ Petition in W.P.No.25275 of 2023. No costs.

30.10.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt

To:

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R.N. MANJULA, J.

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