



WP NO.41232 OF 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.41232 OF 2016
AND WMP NOS.35200 AND 35201 OF 2016

K.Dheenadayalan

... Petitioner

Vs.

- 1.State of Tamil Nadu
Rep. By the Secretary to Government
Commercial Taxes & Registration Department
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner of Commercial Taxes
Ezhilagam, Chepauk,
Chennai – 600 005.
- 3.The Tamil Nadu Public Service Commission
Rep. By its Secretary
Frizer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai – 600 003.
- 4.The Joint Commissioner (Commercial Taxes)
Salem.

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5.S.Jagadeesan
6.R.Chandrasekaran
7.M.Sampathraja
8.A.Pannerselvam
9.K.Bharghavi
10.S.Valarmathi
11.Premavathi
12.S.Srividya
13.K.Perumal
14.Vijayakumar
15.B.Banumathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records of the 4th respondent in Se.Mu.Na.Ka.No.6370/2014/A1 dated 08.01.2015 and quash the same.

For Petitioner : Mr.Adithya Reddy

For Respondents : Ms.Vasanthamala
1, 2 and 4 Government Advocate

For Respondents : Mr.V.Elangovan
5,8,9,10,12,13 & 15

ORDER

Declaration of probation of the private respondents herein viz.,
respondent nos.5 to 15, dated 08.01.2015, in the post of Deputy Commercial
Tax Officer is put under challenge in the present writ petition.



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2. According to the learned counsel for the petitioner, since there were serious irregularities and allegations in the selection of the respondent nos.5 to 15, which is also a subject matter of the criminal cases, which are now pending, their probation should not be declared, which will have a serious impact on the fixation of the interse seniority among the direct recruits and the promotees.

3. On the other hand, learned counsel for the private respondents submitted that earlier, when similarly placed persons, like the petitioner herein had approached this Court, seeking for consideration of the direct recruits in the cadre of Deputy Commercial Tax Officer, for promotion to the post of Commercial Tax Officer, this Court had held that similarly placed persons, as that of the petitioners therein, as well as the private respondents herein are entitled for promotion to the next level and that the fixation of the interse seniority between them would be decided by the official respondents therein, based on the representation made by them.



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4. It is now brought to the notice of this Court that after declaration of probation of the private respondents herein, through the impugned order dated 08.01.2015, they have been subsequently promoted to the post of Commercial Tax Officer, in the year 2017 itself.

5. In connection with the grievance of the petitioner, this Court in its earlier order passed in W.P.No.6042 of 2015 and etc., batch dated 27.06.2016 had granted liberty to the persons, who were similarly placed as that of the petitioners herein, to address the official respondents for the purpose of fixation of interse seniority.

6. The allegations with regard to the appointment of private respondents is the subject matter of the criminal proceedings and subject to the outcome of such criminal proceedings, the respondent nos.1 to 4 herein, would be well within the powers to regulate their services.



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7. As such, interfering with the present impugned order of declaration of probation, after much water has flown under the bridge, would be improper. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

28.02.2023

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking order
TK

To

- 1.The Secretary to Government
Government of Tamil Nadu
Commercial Taxes & Registration Department
Fort St. George, Chennai – 600 009.
- 2.The Commissioner of Commercial Taxes
Ezhilagam, Chepauk, Chennai – 600 005.
- 3.The Secretary
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M.S.RAMESH, J.

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