



WP No.25500 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

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1.V.Jayabarathi
2.K.Ramakrishnan
3.R.Ravichandiran
4.P.Radjy

... Petitioners

versus

1.Union of India,
Represented by the Government of Puducherry
through the Secretary to
Government for Commercial Taxes,
Chief Secretariat, Puducherry.

2.The Commissioner, State Tax (ST),
Commercial Taxes Department,
Puducherry.

3.The Secretary,
Union Public Service Commission,
New Delhi.

4.The Central Administrative Tribunal
Madras Bench, Chennai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari to call for the records of the fourth respondent in respect of the original application with OA No.399 of 2019 dated 22.03.2019 and to quash the same.

For the Petitioners :Mr.V.Ajayakumar

For the Respondents :Mr.R.Syed Mustafa
Special Government Pleader
for respondents 1 and 2

Mr.V.Chandrasekaran
Senior Panel Counsel
for third respondent

Fourth respondent-Tribunal

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

The writ petition has been filed challenging the order dated 22.03.2019 passed by the Tribunal in OA No.399 of 2019.

2. Learned counsel for the petitioner brought to the notice of this court that the impugned notification No.9/2018 has been challenged before the Tribunal in another original application in OA No.223 of 2019 and the same is listed for final disposal and in such

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circumstances, OA No.399 of 2019 filed by the petitioner, has not been decided on merits and therefore, he seeks for a direction to the Tribunal to take both the original applications, viz., OA Nos.399 and 223 of 2019, for final disposal and decide the same on merits and pass orders.

3. The learned counsel appearing for the respondents also fairly agreed for the aforesaid submission of the learned counsel for the petitioner for clubbing both the original applications together and to decide the same on its own merits, by the Tribunal.

4. In view of the submission made by the parties, the order passed by the Tribunal in O.A.No.399 of 2019 is set aside and the matter is remitted back to the Tribunal to consider the instant original application afresh along with O.A.No.223 of 2019 and to pass appropriate orders. It is made clear, that if any additional particulars to be furnished by the parties concerned, it is open to them to approach the Tribunal and seek permission.



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5. With the above direction, the writ petition stands allowed.

There will be no order as to costs. Consequently, WMP No.25028 of 2019 is closed.

[D.K.K., J.] [P.D.B., J.]
18.10.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

1. The Secretary
The Government of Puducherry
Government for Commercial Taxes,
Union of India,
Chief Secretariat, Puducherry.
2. The Commissioner, State Tax (ST),
Commercial Taxes Department,
Puducherry.
3. The Secretary,
Union Public Service Commission,
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4. The Central Administrative Tribunal
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and
P. DHANABAL, J.

(mrn)

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