



W.P.(MD).No.22586 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.22586 of 2023

T.Gunaseela Subramani

... Petitioner

Vs.

1.The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai.

3.The Joint Commissioner (ST),
Madurai Commercial Taxes Division,
Dr.Thangarajan Salai,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the G.O.(D)No.83, dated 26.04.2018 Taxes and Registration (A2) department on the file of the first respondent on the basis of the order passed by this Court in W.P(MD)No.15585 of 2018, dated 29.03.2021, consequently direct the respondents to regularize and provide the increment from the year



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2018 with interest to the petitioner by considering the petitioner's representation, dated 08.08.2023.

For Petitioner : Mr.Ezhilarasu
for Mr.S.Abdul Rahuman

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to cancel G.O(D)No.83 Commercial Taxes and Registration (A2) Department, dated 26.04.2018 on the basis of the orders passed by this Court in W.P(MD)No.15585 of 2018, dated 29.03.2021 and for a consequential prayer to regularize the services and to provide increment to the petitioner from the year 2018 onwards.

2. The services of the writ petitioner were regularised with effect from the date of their joining by way of G.O(D)No.164 Commercial Taxes and Registration (A2) Department, dated 30.04.2015. The probation of the petitioner was declared by relaxing the relevant rules. As per the said Government order, the probation of the petitioner was declared with effect from



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25.03.2012. Thereafter, the Government chose to pass G.O(D)No.83, dated 26.04.2018 deleting the entry of the writ petitioner from G.O(D)No.164. Challenging the same, the writ petitioner along with two others had filed W.P(MD)No.15585 of 2018. This Court was pleased to allow the writ petition on 29.03.2021 by quashing the G.O(D)No.83, dated 26.04.2018. Therefore, as on today, the probation of the petitioner stands declared with effect from 25.03.2012 onwards.

3. Not being conscious of the legal effect of the order of this Court in W.P(MD)No.15585 of 2018, the petitioner has sent a representation to the respondents herein to cancel the same G.O and to grant all the monetary benefits. Since the said representation was not responded, the present writ petition has been filed.

4. A perusal of the order passed by this Court in W.P(MD)No.15585 of 2018 will clearly establish the fact that this Court has quashed G.O(D)No.83, dated 26.04.2018. Therefore, the present prayer for cancellation of the same G.O by the same petitioner is nothing but redundant and superfluous.



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5. As far as the request of the writ petitioner for grant of other monetary benefits based upon the regularization and declaration of probation are concerned, the second respondent is directed to consider the same in the light of the relevant rules that are applicable to the writ petitioner.

6. With the above said observation, this writ petition stands disposed of.
There shall be no order as to costs.

05.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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