



WEB COPY



W.P.No.10654 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10654 of 2021 and
W.M.P.No.11261 of 2021

1.M.Kalaiselvi
2.N.Sathyapriya
3.B.Priya
4.C.Kayalvizhi
5.G.Narmadha

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Commercial Taxes Department,
Fort St.George, Chennai - 09.

2.The Additional Chief Secretary / Commissioner,
Commercial Taxes,
Chepauk, Chennai - 05.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to promote the petitioners as Deputy Commissioner (ST) in the existing vacancy by considering the representation dated 05.03.2021 and to accord proper placement in the seniority within a reasonable time.

For Petitioners : Mr.S.Sivakumar
For Respondents : Mr.T.Chezhiyan, AGP for R1
Mrs.K.Vasanthamala, GA for R2

ORDER



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This Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the respondents to promote the petitioners as Deputy Commissioner (ST) in the existing vacancy by considering the representation dated 05.03.2021 and to accord proper placement in the seniority within a reasonable time.

2. Heard Mr.S.Sivakumar, learned counsel for the petitioners, Mr.T.Chezhiyan, learned Additional Government Pleader for the first respondent and Mrs.K.Vasanthamala, learned Government Advocate for the second respondent.

3. The learned counsel for the petitioners submitted that during the pendency of this Writ Petition, the promotion panel was prepared and the promotion orders have also been given to the petitioners 1 to 4. So far as the fifth petitioner is concerned, she has not been considered for promotion. However, her juniors were found in the list of candidates who have been promoted as per G.O.Ms.No.143, Commercial Taxes and Registration (E2) Department, dated 28.12.2023.

4. The learned Additional Government Pleader for the first respondent submitted that the promotion has been given on the basis of



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merits and other factors and there are reasons for not considering the name of the fifth petitioner for promotion.

5. Whatever may be the case, the fifth petitioner ought to have been made known for what reason her name was withheld for promotion when her juniors were promoted. The fifth petitioner has already given a representation to the respondents in this regard. Since the promotions have taken effect during the pendency of this proceedings, the fifth petitioner is at liberty to give a fresh representation to the respondents.

6. With the above observations, this Writ Petition is disposed. The fifth petitioner is at liberty to give a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider and pass appropriate orders in accordance with law within a period of two weeks thereafter. If in the opinion of the respondents, the fifth petitioner is not found to be fit for promotion, the reasons shall be stated in the order and the copy of the order should be communicated to the fifth petitioner. No costs. Consequently, connected miscellaneous petition is



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closed.

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Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

NOTE : Issue order copy today (12.02.2024)



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To

- 1.The Secretary to Government,
Commercial Taxes Department,
Fort St.George, Chennai - 09.
- 2.The Additional Chief Secretary / Commissioner,
Commercial Taxes,
Chepauk, Chennai - 05.



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R.N.MANJULA, J.

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