



W.P.No.11811 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.11811 of 2024

K.Gunavathi

... Petitioner

Vs.

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

2.The Commissioner of Commercial Taxes,
Commercial Taxes Department,
Ezhilagam, Chepauk,
Chennai – 05.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 06.01.2024 and 02.04.2024 seeking promotion to the post of Assistant Commissioner in the respondent Department with due seniority revision and all service and other attendant benefits within a time frame to be fixed by this Court.



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For Petitioner : Mr.C.K.Chandrasekar

For Respondents : M/s.Vasanthala Mala
Government Advocate

ORDER

This writ petition is filed for a mandamus to consider and dispose of the petitioner's representation dated 06.01.2024 and 02.04.2024 seeking promotion to the post of Assistant Commissioner in the respondent department with due revision of seniority.

2. By an order dated 05.01.2024 in G.O.(Ms).No.2, Commercial Taxes and Registration (E1) Department, the respondents granted temporary promotions to Commercial Tax Officers to the post of Assistant Commissioner (Commercial Taxes). In the said order, in para 7, it is mentioned that if any person who wishes to make representation against non-inclusion of his/her name in the temporary list shall do so within a period of two months from the date of issue of this order.

3. The petitioner being senior to many of the persons who are given the



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temporary promotions has made a representation on 06.01.2024 itself. There is no positive response till date. The petitioner also made a reminder dated 02.04.2024. Hence, the writ petition.

4. When the matter came up for hearing today, M/s.Vasantha Mala, learned Government Advocate appearing on behalf of the respondents would submit that initially when the temporary promotions were made, on the ground that there was a vigilance case pending against the petitioner, the petitioner's name was not considered. However, upon receipt of the representation of the petitioner, the authorities considered the representation of the petitioner. While considering, it was found that no charge sheet was filed in the vigilance case.

5. In view thereof, in the process of consideration of the representation the opinion of the Government is sought for. Once the Government's reply is received, accordingly the final orders will be passed in the representation of the petitioner. The learned counsel requests 16 weeks time to complete the above exercise.



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6. In view thereof, the respondents shall complete the process of consideration the representation of the petitioner dated 06.01.2024 and 02.04.2024, as per the Government Order dated 05.01.2024 and pass final orders thereof, within a period of 16 weeks from the date of receipt of a copy of this order.

7. This writ petition stands disposed of. No costs.

25.04.2024

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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D.BHARATHA CHAKRAVARTHY, J.

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