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W.P.No.24014 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24014 of 2021

R.Gowthaman

... Petitioner

Vs.

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

2.The Additional Secretary to Government/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to consider and pass orders on the petitioner's representation dated 07.06.2021 within a time frame as may be stipulated by this Court.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondents : Mrs.K.Vasanthamala, GA



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the second respondent to consider and pass orders on the petitioner's representation dated 07.06.2021 within a time frame as may be stipulated by this Court.

2. Heard Mr.J.Pooventhera Rajan, learned counsel for the petitioner and Mrs.K.Vasanthamala, learned Government Advocate for the respondents.

3. The petitioner has given a representation on the basis of the order passed in his favour in the earlier Writ Petition filed by himself along with two others in W.P. (MD) No.15585 of 2018 and in which, an order has been passed on 29.03.2021. In view of the above said order, the petitioner's declaration of probation was not disturbed. Subsequently, the petitioner has given a representation on 07.06.2021 by stating that his seniority and promotion in the cadre of Deputy State Tax Officer has to



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be fixed on par with his juniors.

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4. The learned counsel for the petitioner submitted that only in view of the cancellation of declaration of probation, the petitioner was placed behind his juniors in the promoted cadre of Deputy State Tax Officer. Since the order cancelling the declaration of probation was quashed, the petitioner is entitled to get his seniority in the promoted cadre of Deputy StateTax Officer on par with his juniors.

5. However, the learned Government Advocate for the respondents submitted that the order passed in W.P. (MD) No.15585 of 2018 has been challenged in Writ Appeal and hence the petitioner's request cannot be considered until the Writ Appeal is disposed.

6. It is learnt from the submission of the learned counsel for the petitioner that against the order which has been passed in W.P. (MD) No.15585 of 2018, a Writ Appeal has been filed at a belated stage. Even the miscellaneous petition filed to condone the delay was not allowed. As



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such, there is no stay pending as against the order passed in the above said Writ Petition. Hence, there is no bar for the respondents to consider the representation to the petitioner and pass orders.

7. In view of the above stated reasons, this Writ Petition is disposed and the respondents are directed to consider the representation given by the petitioner on 07.06.2021 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

23.01.2024

Index : Yes/No
Internet : Yes/No
Speaking / Non-Speaking
Neutral Citation : Yes / No
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To

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R.N.MANJULA, J.

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