BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.11882 of 2023
and
W.M.P.(MD).No.10310 of 2023

S.Gobinath ... Petitioner

Vs.

1.The Principal Secretary,
Commercial Taxes and Registration Department,
St.George Fort,
Secretariat,
Chennai.

2.The Principal Secretary,
Commissioner of Commercial Taxes,
Ezhilagam,
Chennai-600 005. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st and 2nd respondents that to give retrospective effect to the amendment of Tamil Nadu Commercial Tax Subordinate Service Rules vide G.O.(Ms).No.91 Commercial Taxes and Registration (A1) Department, dated 03.11.2015, as like amendment of Ministerial Service Rules vide G.O.(Ms).No.6, dated 24.01.2014 in retrospective effect dated 20.08.2010 and to consider the petitioner's case thereby to include the petitioner's name for the panel year 2015-16 for the post of DCTO and consequently include the petitioner's name in the preparation of panel for the post of 'State Tax Officer' for the panel year 2023 based on the petitioner's representation dated 17.04.2023.

For Petitioner	: Mr.Raja Karthikeyan
For Respondents	: Mr.J.K.Jeya Seelan, Government Advocate

O R D E R

Heard Mr.Raja Karthikeyan, learned counsel appearing for the petitioner and Mr.J.K.Jeyaseelan, learned Government Advocate appearing for the respondents.

2. This Writ Petition has been filed seeking a direction to the respondent Nos.1 and 2 to give retrospective effect to the amendment of Tamil Nadu Commercial Tax Subordinate Service Rules vide the Government Order in G.O.(Ms).No.91, Commercial Taxes and Registration (A1) Department, dated 03.11.2015, as like amendment of Ministerial Service Rules vide the Government Order in G.O.(Ms).No.6, dated 24.01.2014 in retrospective effect dated 20.08.2010 and to consider the petitioner's case thereby to include the petitioner's name for the Panel year 2015-2016 for the post of Deputy Commercial Tax Officer and consequently include the petitioner's name in the preparation of Panel for the post of 'State Tax Officer' for the Panel year 2023 based on the petitioner's representation dated 17.04.2023.

3. The petitioner, who was originally appointed as a Direct Assistant, joined in the Commercial Taxes Department on 18.12.2012. He has passed all required prescribed test for declaration of probation within three years i.e., 27.02.2015. He got eligibility to get promotion as per Rule 10 of Special Rules for Tamil Nadu Ministerial Services. But his name has not been included in the Promotion Panel for the year 2015-2016. Aggrieved over the same, the petitioner has given several representations to the respondents. Since the same has not been considered, he has filed this present Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the respondent Nos.1 and 2 to consider the same on its own merits and pass appropriate orders, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondent Nos.1 and 2 are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, this Writ Petition is **disposed of,** with a direction to the respondent Nos.1 and 2 herein to consider the petitioner's representation dated 17.04.2023 and pass appropriate orders on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondent Nos.1 and 2 to consider the same on its own merits. No costs. Consequently, the connected miscellaneous petition is closed.

09.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG
To
1.The Principal Secretary,
Commercial Taxes and Registration Department,
St.George Fort,
Secretariat,
Chennai.
2.The Principal Secretary,
Commissioner of Commercial Taxes,
Ezhilagam,
Chennai-600 005.

R.N.MANJULA, J.

TSG

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