



WEB COPY



W.P.(MD) No.20679 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.08.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD) No.20679 of 2021**

S.Gunasekaran

... Petitioner

-VS-

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

2.The Commissioner of Commercial Taxes  
Commercial Tax Department  
Elilagam  
Chepauk  
Chennaik-600 005

3.The Joint Commissioner of Commercial Taxes  
Commercial Tax Building  
Reserve Line Road  
Palayamkottai  
Tirunelveli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 2 and 3 to revise the petitioner's service as Junior Assistant with effect from the date of his initial appointment i.e. on 26.02.1988 and consequently direct the respondents to provide



**W.P.(MD) No.20679 of 2021**

subsequent promotions by taking into account of service rendered in the cadre of Telephone Operator with effect from 26.02.1988 and in the cadre of Junior Assistant along with the backwages and other benefits, on the basis of the petitioner's representation dated 28.09.2021, within the time stipulated by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.J.K.Jayaseelan  
Government Advocate

### **ORDER**

This writ petition has been filed by the petitioner for a mandamus seeking for a direction to the respondents 2 and 3 to revise the petitioner's service as Junior Assistant with effect from the date of his initial appointment i.e. on 26.02.1988 and consequently to direct the respondents to provide subsequent promotions by taking into account the service rendered by him in the cadre of Telephone Operator with effect from 26.02.1988 and in the cadre of Junior Assistant, along with backwages and other benefits, on the basis of his representation dated 28.09.2021, within a time frame to be fixed by this Court.



**W.P.(MD) No.20679 of 2021**

**2.** It is now brought to the notice of this Court that the representation dated 28.09.2021 submitted by the petitioner, referred to supra, has been rejected by the respondents.

**3.** Since the petitioner's representation has been rejected, the only remedy available to the petitioner, if he is aggrieved by the said rejection order, is to file a fresh writ petition challenging the rejection order. Only on the ground that the representation, dated 28.09.2021 was not considered by the official respondents, this writ petition was filed.

**4.** Since the said representation has been considered during the pendency of this writ petition, this writ petition is disposed of by granting liberty to the petitioner to challenge the order passed by the official respondents in the representation dated 28.09.2021 submitted by the petitioner, in the manner known to law. No costs.

**08.08.2024**

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

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**W.P.(MD) No.20679 of 2021**

To:

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Chennai-600 009.
- 2.The Commissioner of Commercial Taxes,  
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Elilagam, Chepauk,  
Chennai-600 005.
- 3.The Joint Commissioner of Commercial Taxes,  
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**W.P.(MD) No.20679 of 2021**

**ABDUL QUDDHOSE, J.**

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**W.P.(MD) No.20679 of 2021**

**08.08.2024**