IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 2896 of 2024
and
C.M.P.No. 21352 of 2024

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

2. The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai.

3. The Assistant Commissioner (S.T.),
Washermanpet Assessment Circle,
Elephant Gate Bridge Road,
Commercial Taxes Building,
2nd Floor, Chennai - 600 003. ... Appellants

Vs.

U.M.Murali Prasatha Rao ... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 13.12.2023 made in W.P.No.15993 of 2021.

For Appellants	:	Mr.C.Harsha Raj Special Government Pleader
For Respondents	:	Ms.Y.Kavitha for M/s.P.V.S.Giridhar Associates Law Chambers

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The issue involved in this appeal is covered by the judgment of a Division Bench of this Court in W.A.No.3723 of 2024. The order that was under challenge before the writ Court was an order of recovery made against the respondent on the ground that he had been granted increments without under completing Bhavanisagar training. On the same ground, show cause notice was issued to him for launching disciplinary action. That order dated 08.08.2023 was challenged by the respondent in W.P.No.5601 of 2022.

2. The said writ petition was allowed on the conclusion that not sending an Employee to Bhavanisagar training will not by itself *per se* give a cause of action for removal from service. This order dated 08.08.2023 made in W.P.No.5601 of 2022 was subject matter of appeal in W.A.No.3723 of 2024. A Division Bench of this Court by a detailed order, dismissed the

appeal concurring with the conclusions of the writ Court. By the order impugned in the writ petition, the writ Court had quashed the orders of recovery passed. The same principles would apply to the case on hand also. This Writ Appeal is therefore, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

3. It is stated that the respondent has retired in April, 2024. The appellants will work out the retiral benefits and pay the same to the respondent within a period of twelve weeks from the date of receipt of a copy of this order.

(R.S.M., J.) **(G.A.M., J.)**
07.04.2025

kkn

Index:No
Speaking order
Neutral Citation :No

To:-

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

2. The Commissioner of Commercial Taxes,
   Ezhilagam, Chepauk,
   Chennai.

3. The Assistant Commissioner (S.T.),
   Washermanpet Assessment Circle,
   Elephant Gate Bridge Road,
   Commercial Taxes Building,
   2nd Floor, Chennai - 600 003.

R.SUBRAMANIAN, J.
and
G. ARUL MURUGAN, J.

KKN

<u>W.A.No. 2896 of 2024</u>
<u>and</u>
<u>C.M.P.No. 21352 of 2024</u>

<u>07.04.2025</u>