



W.P.No.29987 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM:

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.29987 of 2025

K.J.Kumaravel

... Petitioner

Vs.

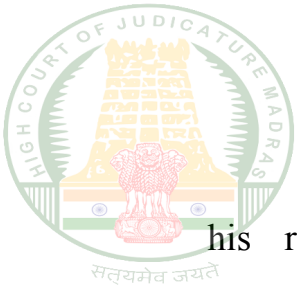
1. The Commercial Tax Commissioner,
Office of Commercial Tax Commissioner,
Chepauk, Chennai.

2. The Joint Commissioner,
Office of Joint Commissioner
(State Tax),
Salem Division, Salem,
1st Floor, Pitchards Road,
Hasthampatty, Salem – 636 007.

3. The Joint Commissioner,
Office of Joint Commissioner
(State Tax),
(Intelligence), Salem Division,
No.17, Pitchards Road,
Hasthampatty, Salem – 636 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to the consideration of appointment as on 11.11.2008 notionally since petitioner entitled for the same though he was appointed on 11.11.2018. Hence, his notional service to be considered from 11.11.2008 based on



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his representation dated 02.04.2025 within stipulated period in accordance with High Court Order dated 20.04.2016 in Writ Appeal No.1715/2012.

For Petitioners : Mr.P.Veeraraghavan

For Respondents : Mr.T.N.C.Kaushik

ORDER

The above Writ Petition is filed for mandamus directing the first respondent to consider the petitioner's notional service from 11.11.2008 based on his representation dated 02.04.2025. The petitioner would submit that his father Jayaraj had been appointed in the Office of the Assistant Commissioner at Attur on 01.01.1983, he had worked for 24 years and died in harness on 29.05.2006. The petitioner had submitted his representation seeking compassionate appointment since his father died after putting 25 years of service. The petitioner had also sought for regularisation of his father's service after his father putting 10 years of services.

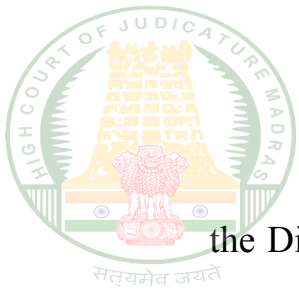
2. The petitioner would submit that his representation dated 07.06.2006 was not considered. Therefore, he had filed W.P.No.24352 of 2009 on the file of this Court. By order dated 11.03.2011, the Writ



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Petition was allowed and the same was challenged in W.A.No.1715 of 2012. The Division Bench, by order dated 20.04.2016, had directed the authorities to regularise the service of the petitioner's father by extending the same benefit that was granted to similarly placed person like the petitioner's father prospectively from 11.11.2008 and to grant the benefit of compassionate appointment to the respondent/petitioner herein. The Division Bench further observed that if the authorities did not consider the case of the petitioner for compassionate appointment till date, the same should be considered and the order of appointment be issued, subject to verification of the necessary documents, within a period of three months. However, the first respondent did not act as per the order of the Division Bench and a contempt notice was therefore issued. Thereafter, the petitioner was given an order of appointment on 29.10.2018, after a period of 10 years from 11.11.2008. The G.O. was passed by the first respondent on 02.08.2018. However, the appointment order was issued only on 29.10.2018.

3. The petitioner joined the services of Commercial Department, Chithodu Circle, Erode District and his service was regularised as per order dated 13.03.2023 from 01.11.2018. As per the directions issued by



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the Division Bench in W.A.No.1715 of 2012, the petitioner was entitled for compassionate appointment from 11.11.2008. However, the appointment had been granted only 10 years later and as a result, the petitioner had lost 10 years of service. Therefore, the petitioner had given a representation on 02.04.2025 calling upon the first respondent to consider his appointment notionally from 11.11.2008 and the same has not been considered. Therefore, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. Considering the limited request of the petitioner, mandamus is issued to the first respondent to consider and pass orders on the representation of the petitioner dated 02.04.2025 within a period of one month from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is allowed. No costs.

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dh

Index: Yes/No

Internet: Yes/No



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To
WEB COPY

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