

W.P.(MD)No.7406 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.7406 of 2025

A.Mubarak

... Petitioner

Vs.

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

2.The Principal Secretary to Government/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider and pass order on petitioner's representation dated 01.09.2021 forwarded by the second respondent vide his proceedings in கடித எண்.ஒய்-3/1505521/2021 dated 25.06.2022 more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.J.Pooventherarajan

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader



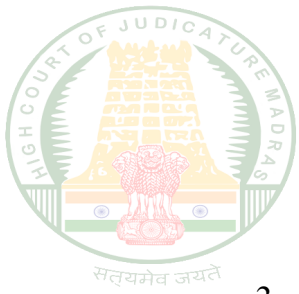
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ORDER

This Writ Petition has been filed seeking a writ of mandamus directing the first respondent to consider and pass order on petitioner's representation dated 01.09.2021 forwarded by the second respondent vide his proceedings, dated 25.06.2022.

2. The petitioner was appointed as Record Assistant in the commercial Tax Department, Thirunelveli Division on 15.05.1989. The grievance of the petitioner is that he was appointed to lower post than the post of Junior Assistant though he possessed the educational qualification to the post of Junior Assistant. He made a representation dated 01.09.2021 to the second respondent to revise his service as Junior Assistant from the date of G.O.Ms.No.1499, (Labour and Employment Department) dated 03.08.1989. The second respondent forwarded the said representation to the first respondent vide his letter, dated 25.06.2022. Even after the receipt of the letter by the first respondent, he had not pass any orders on the representation of the petitioner. Aggrieved by the inaction of the first respondent in considering the representation of the petitioner and passing orders, the present writ petition has been filed.



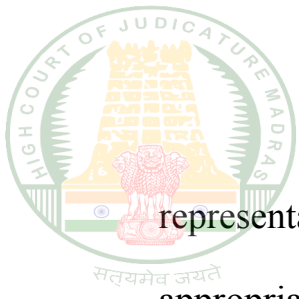
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3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents and perused the materials available on record.

4. Having considered the facts and circumstances of the case, whether the petitioner is entitled for the request made by him in his representation or not, to be decided by the competent authority by considering his representation within a reasonable time. In the present case, it appears that though the representation dated 01.09.2021 of the petitioner has been forwarded by the second respondent vide his letter, dated 25.06.2022, till now the said representation has not been considered by the first respondent. The first respondent being a statutory authority it is his responsibility to consider the representation of the petitioner and dispose of the same by passing appropriate orders within a reasonable period. Keeping the said representation pending from the year 2022 onwards is unjustified.

5. In view of the above, this Court intends to dispose of this writ petition at the stage of admission with the consent of both parties without going into the merits of the case with a direction to the first respondent to consider the



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representation, dated 01.09.2021 submitted by the petitioner and pass appropriate orders within a stipulated time to meet the ends of justice.

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6. Accordingly, this writ petition is disposed of with a direction to the first respondent to consider the representation, dated 01.09.2021 submitted by the petitioner and pass appropriate order in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs.

19.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Secretary to Government,
Department of Commercial Taxes and Registration,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Secretary to Government/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.



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BATTU DEVANAND, J.

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