

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T. RAJA

W. P. No. 18299 OF 2007

(O.A.No.1299 OF 2004)

T.Chandra Kumar

... Petitioner

Vs

1.The Special Commissioner and Director of Survey and
Settlement,
Chennai-5.

2.The Assistant Director of Survey and Land Records,
Nagercoil, Kanyakumari District. ... Respondents

PRAYER: Writ petition came to be numbered by transfer of O.A.No.1299 of 2004 on the file of the Tamil Nadu Administrative Tribunal praying to call for the records relating to the impugned order of the second respondent in Na.Ka.No.2/7444/03 dated 19.03.2004 and quash the same and direct the second respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.P.Rajendran
For Respondents : Mr.K.V.Dhanapalan
Addl. Govt. Pleader

O R D E R

The petitioner, Mr.T.Chandran Kumar, has filed O.A.No.1299 of 2004 before the Tamil Nadu Administrative Tribunal which came by transfer as Writ Petition No.18299 of 2007 challenging the impugned order of the second respondent in Na.Ka.No.2/7444/03, dated 19.03.2004 and quash the same and direct the second respondent to reinstate the petitioner in service with all attendant benefits.

2.Mr.T.Chandrakumar, challenging the order of termination passed by the second respondent-the Assistant Director of Survey and Land Records, Nagercoil in Na.Ka.No.2/7444/03, dated 19.03.2014, filed O.A.No.1299 of 2004 to quash the same on the ground that the impugned order hold to law illegal and liable to be set aside, for the reason that when the service of the petitioner was regularised with retrospective effect from 01.07.1996 by the second respondent on 24.08.2001, he was not placed on probation. However, since the order of regularisation was only on 24.08.2001, the second respndent ought to have given five years time from the said date whereas the impugned order has been issued within 30

months months from the date on which the order of regularisation was issued.

3.Subsequently when the matter is transferred as writ petition and Mr.K.V.Danapalan, learned Special Government Pleader appearing for the respondents submitted that the impugner order of termination has become infructuous, since the petitioner has reinstated in service no 24.10.2008 and the period of absence would treated as leave without salary.

4.Placing on record the order of reinstatement dated 21.10.2008 passed by the second respondent, the writ petition has become dismissed as infructuous. However, the petitioner is given liberty to workout his remedy with regard to other benefits in the above proceedings to which legally entitled to.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Special Commissioner and Director of Survey and Settlement,
Chennai-5.

2.The Assistant Director of Survey and Land Records,
Nagercoil, Kanyakumari District.

1 cc to Mr.P.Rajendran ,Advocate, SR.No.13780

1 cc to Government Pleader,Sr.No13284

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