

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.18643 of 2016

M.Elangovan

.. Petitioner

Vs.

Assistant Director of Survey & Land Records  
Villupuram  
Villupuram District.

.. Respondent

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondent to consider the petitioner for promotion to the post of Sub-Inspector of Survey from the date on which the petitioner's juniors are promoted and to fix the scale of pay and pension thereon and other terminal benefits such as encashment of earned leave, special provident fund, dearness pay, pension, gratuity revoking the order of suspension by considering the petitioner's representation, dated 07.03.2016.

For Petitioner : Mr.P.Ganesan

For Respondent : Mr.M.Dig Vijaya Pandian  
Addl Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondent to consider the petitioner for promotion to the post of Sub-Inspector of survey from the date on which the petitioner's juniors are promoted and to fix the scale of pay and pension thereon and other terminal benefits such as encashment of earned leave, special provident fund, dearness pay, pension, gratuity revoking the order of suspension by considering the petitioner's representation, dated 07.03.2016.

3. The petitioner was initially appointed as Surveyor on 01.12.1982. He became regular Surveyor, on 30.05.1985. He was promoted as Firka Surveyor in the year 1998. The petitioner was

arrested on the trap case and hence, a criminal case was filed against him. Therefore, the petitioner was placed under suspension on 07.10.2004. The petitioner reached superannuation on 31.08.2013. The respondent passed an order on 26.08.2013 retaining the petitioner in service and hence, the petitioner was not permitted to retire from service. The petitioner made a representation to the respondent on 05.03.2015 requesting to settle the terminal benefits for the past services rendered by him. The respondent rejected his request, by order dated 31.03.2015. Challenging the same, the petitioner has preferred W.P.No.24862 of 2015 and this Court, by order dated 12.08.2015, directed to consider and disburse the entitlement, encashment of earned leave and other benefits, as per Rule. However, the respondent again rejected the petitioner's request, by order dated 26.10.2015, excepting encashment of earned leave. In the mean while, the criminal case, which was pending against the petitioner in S.C.No.23 of 2014, ended in acquittal. Enclosing the judgment of the criminal case, the petitioner has made a representation to the respondent on 07.03.2016 requesting to give promotion from the date on which his junior was promoted as Sub-Inspector of Survey and consequential revision of pay and other benefits, such as pension, encashment of earned leave, special provident fund, dearness pay etc. Till date, there was no response. Hence, the petitioner has filed this present Writ Petition.

4. Mr.P.Ganesan, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if his representation, dated 07.03.2016, is directed to be considered and appropriate orders are passed.

5. Mr.M.Dig Vijaya Pandian, the learned Additional Government Pleader has got no serious objection in directing the respondent to consider the representation of the petitioner and to pass appropriate orders, on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondent, to consider the representation of the petitioner, dated 07.03.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

paa

s/d-  
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Assistant Director of Survey & Land Records  
Villupuram  
Villupuram District.

+ 1 cc to M/s.C.S.Associates, Advocates SR 29560

+ 1 cc to Govt.Pleader SR 29475

mg(co)  
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