

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.Nos.31541 to 31545 of 2016

W.P.No.31541 of 2016:

B.Dhanasekaran ... Petitioner

vs

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai-9.
- 2.The Director of Survey and Land
Records,
Chepauk, Chennai-5.
- 3.The Assistant Director,
Survey and Land Records Department,
District Collector Complex,
Villupuram District. ... Respondents.

W.P.No.31542 of 2016:

S.Gomathiammal ... Petitioner

vs

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai-9.
- 2.The Director of Survey and Land
Records,
Chepauk, Chennai-5.
- 3.The Assistant Director,
Survey and Land Records Department,
District Collector Complex,
Tirunelveli District. ... Respondents.

W.P.No.31543 of 2016:

S.Sekar

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai-9.
- 2.The Director of Survey and Land
Records,
Chepauk, Chennai-5.
- 3.The Assistant Director,
Survey and Land Records Department,
Dindigul District. Respondents

W.P.No.31544 of 2016:

H.Visalakshi

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai-9.
- 2.The Director of Survey and Land
Records,
Chepauk, Chennai-5.
- 3.The Assistant Director,
Survey and Land Records Department,
District Collector Complex,
Thoothukudi District. Respondents

W.P.No.31545 of 2016:

J.Packialakshmi

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai-9.

2.The Director of Survey and Land
Records,
Chepauk, Chennai-5.

3.The Assistant Director,
Survey and Land Records Department,
Madurai District.

... Respondents

Writ petition No.31541 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to re-fix the seniority of the petitioner in the cadre of Assistant in the panel year 1993-94 by placing his name above V.Poornavimalavathy, who was placed in Serial No.4/1993 of the panel on the basis of the judgment rendered by the Hon'ble Supreme Court on 13.1.2014 in SLP Civil No.19324 of 2009 by considering the representation dated 14.7.2016 of the petitioner.

Writ petition No.31542 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to re-fix the seniority of the petitioner in the cadre of Assistant in the panel year 1994-95 by placing her name above K.Rajeswari, who was placed in Serial No.1/1994 of the panel on the basis of the judgment rendered by the Hon'ble Supreme Court on 13.1.2014 in SLP Civil No.19324 of 2009 by considering the representation dated 20.7.2016 of the petitioner.

Writ petition No.31543 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to re-fix the seniority of the petitioner in the cadre of Assistant in the panel year 1993-94 by placing his name above V.Poornavimalavathy, who was placed in Serial No.4/1993 of the panel on the basis of the judgment rendered by the Hon'ble Supreme Court on 13.1.2014 in SLP Civil No.19324 of 2009 by considering the representation dated 14.7.2016 of the petitioner.

Writ petition No.31544 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to re-fix the seniority of the petitioner in the cadre of Assistant in the panel year 1994-95 by placing her name above K.Rajeswari, who was placed in Serial No.1/1994 of the panel on the basis of the judgment rendered by the Hon'ble Supreme Court on 13.1.2014 in SLP Civil No.19324 of 2009 by considering the representation dated 20.7.2016 of the petitioner.

Writ petition No.31545 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to re-fix the seniority of the petitioner in the cadre of Assistant in the panel year 1993-94 by placing her name above Mrs.V.Poornavimalavathy, who was placed in Serial No.4/1993 of the panel on the basis of the judgment rendered by the Hon'ble Supreme Court on 13.1.2014 in SLP Civil No.19324 of 2009 by considering the representation dated 28.7.2016 of the petitioner.

For Petitioner : Mr.P.Ganesan,
in all the writ petitions.

For Respondents : Mr.R.Rajeswaran,
Spl. Govt. Pleader,
in all the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents to re-fix their seniority in the cadre of Assistant in the panel year 1993-94, 1994-95, 1993-94, 1994-95 and 1993-94 respectively by placing their name above V.Poornavimalavathy, K.Rajeswari, V.Poornavimalavathy, K.Rajeswari V.Poornavimalavathy respectively, on the basis of the judgment rendered by the Hon'ble Supreme Court on 13.1.2014 in SLP Civil No.19324 of 2009 by considering their representations dated 14.7.2016, 20.7.2016, 14.7.2016, 20.7.2016 and 28.7.2016 respectively.

3. The case of the petitioners, in brief, is as follows:-

(a) The petitioners were appointed as Steno-typists and subsequently, their services were regularized. When the question of promotion to the post of Assistant came up for consideration, as per G.O.Ms.No.224, Personnel and Administrative Reforms Department dated 8.3.1984, the Government fixed the ratio of 4:1, as per which 4 promotional post of Assistant will be earmarked for typists and the remaining 1 post for typists / steno-typists. Challenging the same, the Typists / Steno-typists approached the Tamil Nadu Administrative Tribunal by filing T.A.No.1449 of 1989 and the Tribunal, by order dated 27.11.1982, set aside the said GO, holding that the said ratio will adversely affect the seniority already fixed by the Tamil Nadu Public Service Commission while filling up the vacancies. Thereafter, the Government by letter dated 24.10.1997, pointed

out that the ratio of 4:1 will be followed for the vacancies which arose prior to 27.11.1992 and for the vacancies that arose after 22.11.1992, the inter se seniority may be fixed between the Junior Assistants and Typists / Steno-typists as per the order of the Tribunal.

(b) Aggrieved by the said letter dated 24.10.1987, O.A.No.8495 of 1997 was filed before the Tribunal and after abolition of the Tribunal, the said OA was transferred to this Court and renumbered as W.P.No.28300 of 2005 and this Court by order dated 4.4.2006 allowed the said writ petition holding that the fixation of 4:1 ratio for promotion to the post of Assistant among Junior Assistants and Typist/ Steno-typist is untenable. Assailing the said order, a writ appeal was filed in W.A.No.1145 of 2006 and the same was dismissed. Thereafter, SLP was filed before the Hon'ble Supreme Court and the same was also dismissed.

(c) As far as the petitioners are concerned, they are fully qualified for holding the post of Assistant even in the year 1993 and 1994. When a panel for promotion to the post of Assistant was drawn for the year 1993-94 and 1994-95, G.O.Ms.No.224, P & AR Department dated 8.3.2014 was issued fixing the ratio of 4:1 and it was set aside by the Tribunal on 27.11.1992. In compliance with the order passed by the Tribunal, G.O.Ms.No.417, P & AR Department dated 1.12.1984 was issued for promotion to the post of Assistant without any ratio. The subsequent Government letter dated 24.10.1997 for fixing such ratio for the vacancies that arose prior to 27.11.1992 was also set aside by this Court which was confirmed by the Hon'ble Supreme Court. In the meantime, the petitioners were promoted to the post of Assistant. Such promotion was given subject to the outcome of the special leave petition pending before the Supreme Court.

(d) After a long battle, fixation of inter se seniority and the promotion to the post of Assistant from the post of Junior Assistant and typist / steno-typist came to an end on 13.1.2014 by virtue of the judgment rendered by the Hon'ble Supreme Court. As far as the petitioners are concerned, their seniority has to be re-fixed in the cadre of Assistant for the panel years 1993-94 and 1994-95 and consequently, their seniority has to be re-fixed by placing them in the appropriate place in the panel for promotion to the post of Superintendent. In this regard, the petitioners sent representations dated 14.7.2016, 20.7.2016, 14.7.2016, 20.7.2016 and 28.7.2016 to the first respondent through proper channel. But, till date, no action was taken on their representations. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submission made on either side, this Court directs the respondents to consider the representations of the petitioner dated 14.7.2016, 20.7.2016, 14.7.2016, 20.7.2016 and 28.7.2016 seeking fixation of their seniority in the cadre of Assistant as well as in the panel for promotion to the post of Superintendent and pass appropriate orders, on merits and in accordance with law, within a period of six weeks 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 claim projected by the petitioners and it is for the respondents to consider the claim of the petitioners strictly on merits and in accordance with law. All the writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai-9.
- 2.The Commissioner,
Survey and Land Records Department,
Chepauk, Chennai-5.
- 3.The Assistant Director,
Survey and Land Records Department,
District Collector Complex,
Villupuram District.
- 4.The Assistant Director,
Survey and Land Records Department,
District Collector Complex,
Tirunelveli District.

5.The Assistant Director,
Survey and Land Records Department,
Dindigul District.

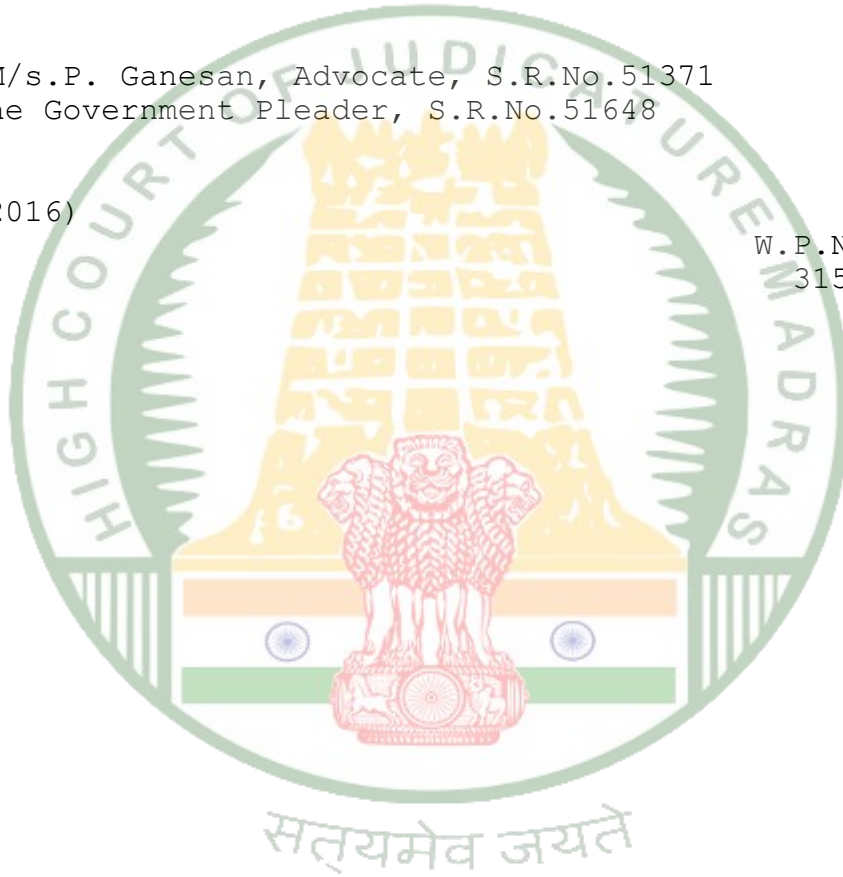
6.The Assistant Director,
Survey and Land Records Department,
Madurai District.

7.The Assistant Director,
Survey and Land Records Department,
District Collector Complex,
Thoothukudi District.

+5ccs to M/s.P. Ganesan, Advocate, S.R.No.51371
+1cc to the Government Pleader, S.R.No.51648

RJ(CO)
EU(18/10/2016)

W.P.Nos.31541 to
31545 of 2016



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