

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39640 of 2016

S.Dharuman

... Petitioner

Vs.

- 1 The Director of Survey and Settlement
'Survey House',
Chepauk,
Chennai - 600 005.
- 2 The Assistant Director of Survey & Settlement
Vellore Region,
Vellore. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus direct the 1st respondent to consider the representation of the petitioner dated 23.09.2015 for retrospective promotion to the post of Sub-Inspector of Survey with effect from 04.12.1971 and to pass orders within a stipulated period of time.

For Petitioner : Mr.R.Premnarayan

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the first respondent to consider the representation of the petitioner dated 23.09.2015 for retrospective promotion to the post of Sub-Inspector of Survey with effect from 04.12.1971 and to pass orders within a stipulated period of time.

3.The petitioner who is the retired Inspector of Survey, Thiruvannamalai, would state that he was initially appointed as

Field Surveyor on 12.08.1966 and his service was regularized with effect from the date of his initial appointment. His next avenue of promotion is to the post of Deputy Surveyor (now re-designated as Sub-Inspector of Survey) and he has also passed the requisite departmental tests. The Government issued G.O.Ms.No.3964 Revenue Department dated 04.12.1971 upgrading 378 posts of Field Surveyor as Sub Inspector of Surveyor. The petitioner was promoted as Sub-Inspector of Survey on 22.04.1982.

4.The petitioner would further state that the Government subsequently issued G.O.Ms.No.26 Revenue Department dated 07.01.1994 and G.O.Ms.No.765, Revenue Department dated 12.08.1997 creating supernumerary posts of Sub-Inspector of Survey and many persons were retrospectively promoted as Sub-Inspector of Survey with effect from 04.12.1971 and since the petitioner was not promoted, he made representation and the Government also issued G.O.Ms.No.527 Revenue (Ni.A.3(2)) Department dated 12.08.2006 retrospectively promoting the petitioner as Sub-Inspector of Survey with effect from 04.12.1971.

5.The petitioner would further state that pursuant to the Government Order, the Assistant Director of Survey, Vellore vide proceedings dated 21.06.2008, retrospectively promoted the petitioner as Sub-Inspector of Survey with effect from 04.12.1971 and accordingly, Selection Grade and Special Grade were also granted to the petitioner. Whileso, the Assistant Director of Survey, Vellore, without even issuing a show cause notice, cancelled the above said promotion and Selection Grade and Special Grade stating that there was currency of punishment as on 04.12.1971.

6.The petitioner would further state that as against the said order, the petitioner made representation and the said representation was rejected by the Additional Director of Survey vide proceedings dated 18.08.2015. Thereafter, the petitioner made appeal to the first respondent and since there was no response, he made an application under the Right to Information Act and the Public Information Officer, vide his reply dated 19.09.2016, informed the petitioner that the Assistant Director of Survey, Vellore was directed to give a detailed report on the request of the petitioner and only after the receipt of the report, final orders will be passed on his representation/appeal. But till date, no order has been passed. Hence, this petition.

7.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who take notice for the respondents.

8.Considering the submissions made on either side and without going into the merits of the case, this Court directs the first respondent to consider the representation of the petitioner dated 23.09.2015, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

9.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits and in accordance with law.

10.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

- 1 The Director of Survey and Settlement
'Survey House',
Chepauk,
Chennai - 600 005.
- 2 The Assistant Director of Survey & Settlement
Vellore Region,
Vellore.

1 cc to Government Pleader, sr. 65872

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