

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.374 and 375 of 2017
and
C.M.P.Nos.5754 and 5755 of 2017

1. The Director,
Land Survey Records Department,
Chepauk, Chennai 600 005.
2. The Additional Director(in charge),
Land Survey Records Department,
Chepauk, Chennai 600 005.
3. The Assistant Director,
Land Survey Records Department, Erode. Appellants in
WA 374/2017/Respondent
1. The Director,
Land Survey Records Department,
Chepauk, Chennai 600 005.
2. The Additional Director(in charge),
Land Survey Records Department,
Chepauk, Chennai 600 005.
3. The Regional Deputy Director,
Land Survey Records Department,
Coimbatore-18.
4. The Assistant Director,
Land Survey Records Department,
Erode. Appellants in
WA 375/2017/Respondents

Versus

P.Madhaiyan

Respondent in both cases/
Appellants

Prayer: Writ Appeals filed filed under Clause 15 of the Letters Patent against the common order dated 25.7.2016 passed in W.P.Nos.19570 and 33228 of 2014 on the file of this court.

W.P. 19570 of 2014:- Writ Petitions filed Under Article 226 of prayer the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records relating to the 2nd respondent herein in R.C. La1/3324/14 dt 19.2.2014 and quash the same and consequently, to direct the 1st respondent herein to confer the promotion post of Head Surveyor forthwith by duly including the name of the petitioner in the appropriate place in the seniority list of Sub Inspector of Surveyor and confer all the benefits with due regards to the petitioner's seniority.

W.P. 33228 of 2014:- Writ of Mandamus to call for the records relating to the third respondent herein in R.C.A/755/2014 dated 5.11.2014 imposing the punishment of stoppage of next increment for six months without cumulative effect and quash the same, consequently to direct the respondent 1 & 2 confer the promotion post of Deputy Inspector of Survey forthwith by duly including the name of the petitioner in the promotional panel for the year 2014-15 in appropriate place and confer all the attendant benefits with due regards to his seniority.

For appellants : Mrs.A.Srijayanthi,
Special Govt. Pleader

For respondent : Mr.R.S.Anandhan

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time at the stage of admission itself.

2. The grievance of the appellant-State is that the writ petitioner did not furnish the details as to the property purchased by his wife. The stand taken by the petitioner is that he is not concerned with his wife's property and as such, Departmental enquiry was initiated. On conclusion of the enquiry, it appears that the writ petitioner was exonerated from all the charges. However, the said order was reviewed by the revisional authority after a period of six months that too without issuing notice to the writ petitioner.

3. The factual aspects have been recorded by the learned Single Judge and taking into consideration the fact that the revisional authority has reviewed the order of exoneration after six months, which is against the provisions of Rule 36(1)(iii)

(C) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules, and because of that the petitioner's name was not included in the panel for promotion for the year 2014-15, the learned Single Judge has held that the petitioner's name ought to have been included in the panel and considering the fact that the writ petitioner had already retired from service, the learned Single Judge has allowed the writ petition. We do not find nay reason to interfere with the well considered view and well reasonable view given by the learned Single Judge.

4. The writ appeals are devoid of merits and the same are dismissed. No costs. The connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ssk

To

1. The Director, Land Survey Records Department,
Chepauk, Chennai- 600 005
2. The Additional Director (in Charge),
Land Survey Records Department,
Chepauk, Chennai- 600 005
3. The Assistant Director,
Land Survey Records Department,
Erode.
4. The Regional Deputy Director,
Land Survey Records Department,
Coimbatore-18.

+1cc to M/S. R.S. Anandan, Advocate Sr. 20329

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RR(CO)
VR(27/4/2017)