

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.1165 to 1167/2017

M.Murugesan	..	Petitioner in WP.No.1165/2017
R.Revathi	..	Petitioner in WP.No.1166/2017
D.Arun Prathap	..	Petitioner in WP.No.1167/2017

Vs

The Assistant Director of Survey & Land Records, Coimbatore.	..	Respondent in all the Writ petitions
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Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to consider and pass order on the representation of the petitioners dated 01.08.2016 on merits with regard to sanction and grant of annual increments from the years 2016, 2012 and 2013 respectively, onwards and to sanction and pay the encashment of earned leave for 30 days as on 05.07.2016 in the light of the Government Orders issued in G.O.Ms.No.1460, Finance Department, dated 19.11.1973, Govt.Lr.No.35968/D.O.I.FR.1/93-3, P&AR Department, dated 11.01.1994 and G.O.Ms.No.1089, P&AR Department, dated 01.11.1980 within the time limit.

For Petitioners in
all WPs : Mr.R.Baskaradoss
For Respondent in
all WPs : Mr.K.Dhananjayan, Spl.GP

COMMON ORDER

By consent, these writ petitions are taken up for final disposal. Since the prayer sought for by the petitioners are similar in nature, the writ petitions are disposed of by this common order. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondent.

2 The petitioner in WP.No.1165/2017 was appointed as Field Assistant in the respondent / Department with effect from 07.01.2011 by way of sponsor by the District Employment Exchange, Coimbatore, and also by way of direct recruitment. At the time of petitioner's appointment, there is no pre-requisite of qualification of passing of test to the post of Field Assistant and the services of the petitioner were regularised in the category of Field Assistant with effect from 07.01.2011 and necessary entries have been made in the Service Register. However, to the shock and surprise of the petitioner, the respondent issued an order dated 09.03.2015, cancelling his

regularisation without any notice whatsoever and persons similarly placed like that of the petitioner, had filed WP.Nos.10457 to 10464, 10466 to 10471 and 10465 & 10472/2015 and obtained interim stay of operation of the similar orders, vide order dated 10.04.2015. The grievance expressed by the petitioner is that on account of the pendency of the writ petition, the sanction of the periodical/annual increments as well as the request for surrender of Earned Leaver in lieu of cash benefits has been unjustly denied. The petitioner in this regard, has submitted a representation dated 01.08.2016 to the Tahsildar, Coimbatore North Taluk Office, Coimbatore, which is the proper channel, so as to enable the respondent to pass orders and since his requests have not been considered, the petitioner came forward to file the present writ petition.

3 The petitioner in WP.No.1166/2017 was appointed as Field Assistant in the respondent / Department with effect from 16.11.2011 by way of sponsor by the District Employment Exchange, Coimbatore, and also by way of direct recruitment. At the time of petitioner's appointment, there is no pre-requisite of qualification of passing of test to the post of Field Assistant. However, to the shock and surprise of the petitioner, the respondent issued a notice for

termination dated 10.03.2015. The petitioner would also claim that he has passed Higher Secondary Course Examination during the month of March 2016 and all the required Departmental Test and thereby, he has satisfied the rule provisions to hold the post of Field Assistant and also fit for promotion to the post of Field Surveyor, as he has put in required number of service and persons similarly placed like that of the petitioner, had filed WP.Nos.10457 to 10464, 10466 to 10471 and 10465 & 10472/2015 and obtained interim stay of operation of the similar orders, vide order dated 10.04.2015. The grievance expressed by the petitioner is that on account of the pendency of the writ petition, the sanction of the periodical/annual increments as well as the request for surrender of Earned Leave in lieu of cash benefits has been unjustly denied. The petitioner in this regard, has submitted a representation dated 01.08.2016 to the respondent and since his request has not been considered, the petitioner came forward to file the present writ petition.

4 The petitioner in WP.No.1167/2017 was appointed as Field Assistant in the respondent / Department with effect from 26.03.2012 by way of sponsor by the District Employment Exchange, Coimbatore, and also by way of direct recruitment. At the time of petitioner's appointment, there is no pre-requisite of qualification of

passing of test to the post of Field Assistant. However, to the shock and surprise of the petitioner, the respondent issued a notice for termination dated 10.03.2015. The petitioner would also claim that he has passed Secondary School Leaving Examination and thereby, he has satisfied the rule provisions to hold the post of Field Assistant and persons similarly placed like that of the petitioner, had filed WP.Nos.10457 to 10464, 10466 to 10471 and 10465 & 10472/2015 and obtained interim stay of operation of the similar orders, vide order dated 10.04.2015. The grievance expressed by the petitioner is that on account of the pendency of the writ petition, the sanction of the periodical/annual increments as well as the request for surrender of Earned Leave in lieu of cash benefits has been unjustly denied. The petitioner in this regard, has submitted a representation dated 01.08.2016 to the respondent and since his request has not been considered, the petitioner came forward to file the present writ petition.

5 The learned counsel for the petitioners would submit that the pendency of the writ petitions is not a bar to sanction the annual increments as well as surrender and encashment of Earned Leave and therefore, prays for appropriate orders.

6 Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondent would contend that appropriate orders may be passed, directing the Tahsildar to consider and forward the proposal to the respondent for passing appropriate orders in WP.No.1165/2017 and to direct the respondent for passing appropriate orders on the representations of the petitioners in WP.No.1166 & 1167/2017.

7 This Court considered the rival submissions and also perused the materials placed before it.

8 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, passes the following order:-

[a] The Tahsildar, Coimbatore North Taluk Office, Coimbatore, is directed to consider the representation of the petitioner in WP.No.1165/2017 dated 01.08.2016 on merits and in accordance with law and forward a proposal to the respondent within a period of four weeks from the date of receipt of a copy of this order and the respondent, who may, on receipt of the same, is directed to consider

the said proposal on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner ;

[b] the respondent in WP.Nos.1166 & 1167/2017 is directed to consider and dispose of the petitioners' individual representations dated 01.08.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

9 The writ petitions stand disposed of with the above directions. No costs.

18.01.2017

Index : No
Internet : Yes

AP
To
The Assistant Director of Survey &
Land Records, Coimbatore.

M.SATHYANARAYANAN, J.,
AP

W.P.Nos.1165 to 1167/2017

18.01.2017

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