



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.A. (MD) Nos.1067 to 1072 of 2019

T.Ramanathan ... Appellant/Petitioner in
W.A.(MD) No.1067 of 2019

S.Nambu Visvananthan ... Appellant/Petitioner in
W.A.(MD) No.1068 of 2019

N.Balu ... Appellant/Petitioner in
W.A.(MD) No.1069 of 2019

G.Govindaraju ... Appellant/Petitioner in
W.A.(MD) No.1070 of 2019

S.Mathanagopalan ... Appellant/Petitioner in
W.A.(MD) No.1071 of 2019

K.Karuppasamy ... Appellant/Petitioner in
W.A.(MD) No.1072 of 2019

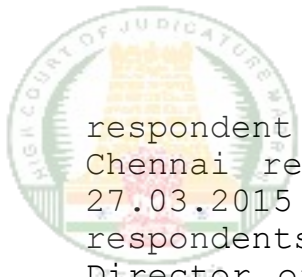
-vs-

- 1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner/Director of Survey and Settlement,
Survey House,
Chepauk,
Chennai -600 005. ... Respondents/Respondents in all the appeals

Writ Appeals filed under Clause 15 of Letters Patent against the common order dated 19.06.2019, made in W.P.(MD) No.9646 to 9654 of 2015, on the file of this Court.

Prayer in WP(MD). 9648/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari and Mandamus, calling for the records of the first



respondent i.e. The Secretary to Government, Revenue Department, Chennai relating to G.O. (Perm) NO. 148 Revenue Department dated 27.03.2015 and quash the same and consequently direct the respondents to pay the scale of pay in the cadre of Assistant Director of Survey and Land Records for the period from 30.11.2005 to 30.06.2006, during which the petitioner was serving as Assistant Director of Survey and Land Records, Pudukkottai and consequently to refix the pension within a specified time frame that may be fixed by this Honourable Court.

Prayer in WP(MD). 9649/ 2015 :

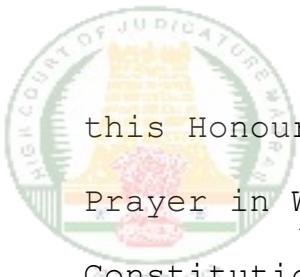
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent i.e. The Secretary to Government, Revenue Department, Chennai relating to G.O. (Perm) NO. 148 Revenue Department dated 27.03.2015 and quash the same and consequently direct the respondents to pay the scale of pay in the cadre of Assistant Director of Survey and Land Records for the period from 28.07.2004 to 31.12.2004 during which the petitioner was serving as Assistant Director of Survey and Land Records, Tiruchirapalli and consequently to refix the pension within a specified time frame that may be fixed by this Honourable Court.

Prayer in WP(MD). 9650/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent i.e. The Secretary to Government, Revenue Department, Chennai relating to G.O. (Perm) NO. 148 Revenue Department dated 27.03.2015 and quash the same and consequently direct the respondents to pay the scale of pay in the cadre of Assistant Director of Survey and Land Records for the period from 27.09.2004 to 30.11.2005 during which the petitioner was serving as Assistant Director of Survey and Land Records, Ramanathapuram and consequently to refix the pension within a specified time frame that may be fixed by this Honourable Court.

Prayer in WP(MD). 9652/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent i.e. The Secretary to Government, Revenue Department, Chennai relating to G.O. (Perm) NO. 148 Revenue Department dated 27.03.2015 and quash the same and consequently direct the respondents to pay the scale of pay in the cadre of Assistant Director of Survey and Land Records for the period from 22.11.2004 to 30.06.2005, during which the petitioner was serving as Assistant Director of Survey and Land Records, Pudukkottai and consequently to refix the pension within a specified time frame that may be fixed by



this Honourable Court.

Prayer in WP(MD). 9653/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent i.e. The Secretary to Government, Revenue Department, Chennai relating to G.O. (Perm) NO. 148 Revenue Department dated 27.03.2015 and quash the same and consequently direct the respondents to pay the scale of pay in the cadre of Assistant Director of Survey and Land Records for the period from 30.06.2005 to 30.11.2005 during which the petitioner was serving as Assistant Director of Survey and Land Records, Ramanathapuram and consequently to refix the pension within a specified time frame that may be fixed by this Honourable Court.

Prayer in WP(MD). 9654/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent i.e. The Secretary to Government, Revenue Department, Chennai relating to G.O. (Perm) NO. 148 Revenue Department dated 27.03.2015 and quash the same and consequently direct the respondents to pay the scale of pay in the cadre of Assistant Director of Survey and Land Records for the period from 04.12.2003 to 30.06.2004, during which the petitioner was serving as Assistant Director of Survey and Land Records, Nagercoil and consequently to refix the pension within a specified time frame that may be fixed by this Honourable Court.

For Appellant in all the appeals : Mr.P.Thirumahil Maran

For Respondents in all the appeals: Mr.A.K.Baskara Pandian
Special Government Pleader

COMMON JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.P.Thirumahil Maran, learned counsel appearing for the appellant and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents in these Writ Appeals.

2.By consent on either side, these Writ Appeals are taken up for final disposal at the admission stage itself.

3.These Writ Appeals have been filed against the common order dated 19.06.2019, made in W.P.(MD) No.9646 to 9654 of 2015.

4.The appellants case is that they should be paid the Scale of Pay of the Assistant Director of Survey and Land Records on the



ground that they discharged the duties and responsibilities of the said post by grant of Full Additional Charges.

5. Admittedly, the appellants are Inspectors of Survey and Land Records and they were permitted to act as in charge of Assistant Director of Survey and Land Records. The order placing them in charge clearly states that they shall draw the salary in the cadre of Inspector of Survey and Land Records and not the salary for Assistant Director of Survey and Land Records. The learned Single Judge is fully justified in rejecting the prayer sought for. Very recently, the Hon'ble Supreme Court has rejected the similar request made by a retired Acting Chief Justice for Scale of pay on par with the retired Chief Justice of a High Court. Admittedly, the conditions, based on which the appellants were placed as Full Additional Charge, have not been questioned by the appellants. Therefore, there is no question of granting the Scale of Pay as Assistant Director of Survey and Land Records to the appellants. Therefore, we find no reason to interfere with the common order of the learned Judge.

6. In view of the above, these Writ Appeals are dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

sj
To

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The Commissioner/Director of Survey and Settlement,
Survey House,
Chepauk,
Chennai - 600 005.

+6 cc Mr. P. THIRUMAHILMARAN, Advocate, SR.No. 93990, 93991, 93992, 93993, 93994, 93995

+1cc to M/s. Special Government Pleader, SR.No. 94251

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