

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 17354 of 2007
(O.A.No.4194 of 2003)

1.R.Balasubramanian
2.S.Meenakshi Sundaram
3.S.Loganathan
4.A.Vivekanandan
5.N.Kasilingam
6.Rathinasamy
7.U.Ramasamy
8.S.Chokkalingam
9.Thirumathi U.Chidambaram

...Petitioners

Versus

1. The State of Tamilnadu
represented by the Secretary to Government
Revenue (Land Survey 3 (2) Department
Fort St.George, Chennai-9.
2. The Commissioner & Director of Land
Survey and Settlement,
Ezhilagam, Chennai-5.
3. The Assistant Director,
Department of Land Survey and Records
Kanniyakumari District.
4. A.Devaraj
Field Surveyor,
Taluk Office, Nagercoil.
5. T.Mariappan,
Field Surveyor,
Settlement Office,
Eaglet Gate Compound,
Nagarcoil.
6. S.Inbadasan
Draftsman
Office of the Assistant Director of Survey,
Nagercoil.

7. V.Sivasanga Paulraj
Filed Surveyor,
Taluk Office, Nagercoil.
8. K.Sivaperumal
Firka Surveyor (on stay)
Taluk office,
Nagercoil.
9. J.Ganapathi Raman,
Field Surveyor,
Taluk Office,
Kalithulari,
Kanniyakumari District.
- 10.C.Sethuramllingam,
Field Surveyor,
A.D.Office,
Survey and Land Records,
Nagercoil.
- 11.C.Srinivasa Sagar,
Field Surveyor,
Taluk Office,
Vilavancode, Kulithurai,
Kanniyakumari (District).
- 12.T.Soundararaj
Field Surveyor,
Taluk Office,
Boodapandi,
Kaniyakumari.
- 13.P.Ramalingam
Field Surveyor,
A.D.Office, Survey and Land Records,
Nagercoil.
- 14.R.Peerachi (on stay)
Firka Surveyor,
Taluk Office, Vilavancode,
Kalithurai, Kanniyakumari District.
- 15.M.Kilakathiyan
Draftsman,
A.D.Office,
Survey and Land Records,
Nagercoil.

... Respondents

PRAYER: Originally this petition has been filed as Original Application No.4194 of 2003 before the TamilNadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.17354 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in his proceedings No.Na.Ka.2/2041/2002 dated 27.6.2002 with connected records and quash the same as illegal and direct the respondents 1 to 3 to fix the seniority of the applicants and the respondents 4 to 15 as per the directions of Hon'ble Tribunal in O.A.4788/96.

For Petitioner : A.Arulmozhi

For Respondents : Mr.P.Chinnadurai
Additional Government Pleader

O R D E R

The petitioners have filed Application before the Tamilnadu Administrative Tribunal, Chennai in the year 2003 in O.A.No.4194 of 2003. Subsequently, due to abolition of the Administrative Tribunal, the matter has been transferred to this Court and renumberd as W.P.No.17354 of 2007.

2. This Writ Petition has been filed challenging the order passed by the third respondent in Na.Ka.2/2041/2002 dated 27.6.2002 and seeks to quash the same as illegal and direct the respondents 1 to 3 to fix the seniority of the applicants and the respondents 4 to 15 as per the directions of the learned Tribunal in O.A.4788/96.

3. The learned counsel for the petitioner would submit that due to bifurcation of the District, fixation of seniority has been questioned. It is contended that juniors to the petitioners have been considered in the seniority list. Therefore, the petitioners herein have challenged the seniority list in this Writ Petition.

4.The learned Additional Government Pleader would submit that among 8 petitioners 3 of them died and other petitioners got retired on superannuation. He would further submit that in view of the direction issued by the Tribunal in O.A.No.199 of 1990, 56/1989 and 3819/91 that strict seniority in consolidated pay post alone should be adopted, petitioners have got the promotion accordingly. Therefore, there is no merit in the writ petition and it is liable to be dismissed.

5. The learned counsel for the petitioner would submit that this Writ Petition could have been closed even earlier with liberty to the petitioner to proceed further since even at that time of filing the present Original Application, all the petitioners were above 43 years even in the year 2003 itself. Therefore, all the petitioners might have attained the age of superannuation by now.

6. In view of the above, since all the petitioners got retired and also 3 of them died and as stated by the learned Additional Government Pleader, the direction given by the Tribunal in Original Application No.199 of 1990 and etc batch, has been complied with, the petitioners are at liberty to workout their remedy in separate proceedings, if so advised.

7. The Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Revenue (Land Survey 3(2) Department,
Fort saint George, Chennai-9.
2. The Commissioner & Director of Land
Survey and settlement,
Ezhilagam, Chennai-5.
3. The Assistant Director,
Department Land survey and Records,
Kanniyakumari District.

+1cc to M/s.A.Arulmozhi, Advocate in SR.NO..36388

+1cc to the Government Pleader in SR.NO..36481

W.P. 17354 of 2007

CP(CO)
RV(14/12/2020)