

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.5905 of 2007
(O.A.No.3431 of 2002)

1.R.Balasubramanian

Sub Inspector of Survey
Patta Passbook Taluk Office,
Boothapandi, Thovalai Taluk,
Kanniyakumari District.

2.S.Meenakshi Sundaram

Sub Inspector of Survey
Patta Passbook Taluk Office
Kalkulam Unit - I,
Kanniyakumari District.

... Petitioners

Vs.

1.The State of Tamilnadu

Rep 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,
Land Survey and Records
Kanniyakumari District.

4.A.Devaraj

5.T.Mariappan,

6.S.Inbadasan

7.V.Sivasanga Paulraj

8.K.Sivaperumal

9.J.Ganapathi Raman

10.C.Sethuramalingam

11.C.Srinivasa Sagar

12.T.Soundararaj

13.P.Ramalingam

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14.R.Perrachi

15.M.Kilakithiyan

... Respondents

[R4 to 15 are employed in various posts like Firka Surveyors in the Office of the Assistant Director, Land Survey and Records Office, Kanniyakumari District.

PRAYER: Originally this petition has been filed as Original Application No.3431 of 2002 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, application has been transferred and numbered as W.P.No.5905 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 1st respondent pertaining to the Impugned Order i.e., G.O.M.S.No.60 Revenue (Land and Survey 3(2) Department dated 08.02.2001 and set aside the same so far the respondents 4 to 15 are concerned and direct the respondents 1 to 3 to regularize the services of the respondents 4 to 15 according to their appointment in the post of Time scale of pay Surveyors cum Drafts Man according to their seniority in the post of consolidated pay Surveyor cum Drafts Man in Chidambaranar District.

For Petitioners : Ms.P.Subbulakshmi
for M/s.A.Arulmozhi & J.S.Balan

For Respondents : Mr.K.Magesh [R1 to R3]
Special Government Pleader
No appearance [R4 to R15]

ORDER

The petitioners have filed application before the Tamil Nadu Administrative Tribunal, Chennai in the year 2002 in O.A.No.3431 of 2002. Subsequently, due to abolition of the Administrative Tribunal, the matter has been transferred to this Court and renumbered as W.P.No.5905 of 2007.

2. This Writ Petition has been filed challenging the impugned order passed by the first respondent in G.O.M.S.No.60 dated 08.02.2001 and set aside the same insofar as the respondents 4 to 15 are concerned and direct the respondents 1 to 3 to regularize the services of the respondents 4 to 15 according to their appointment in the post of Time scale of pay Surveyors cum Drafts Man according to their seniority in the post of consolidated pay Surveyor cum Drafts Man in Chidambaranar District.

3. The learned counsel for the petitioners 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 Special Government Pleader appearing for the respondents 1 to 3 would submit that both the 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 petitioners would further submit that this Writ Petition could have been closed even earlier with liberty to the petitioners to proceed further since even at that time of filing the present Original Application, both the petitioners were above 43 years even in the year 2002 itself. Therefore, both the petitioners might have attained the age of superannuation by now.

6. In view of the above, since both the petitioners got retired as stated by the learned Special 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. Accordingly, the Writ Petition stands disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government of Tamilnadu
Revenue [Land Survey 3(2)] Department
Fort St.George, Chennai - 9.

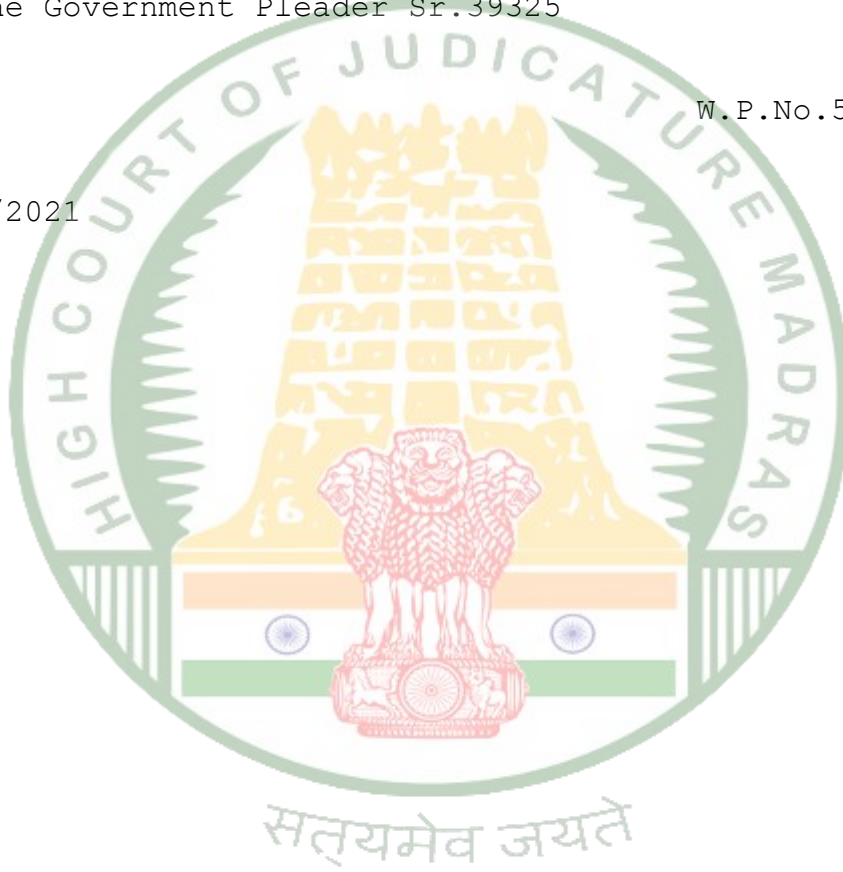
2.The Commissioner & Director of Land
Survey and Settlement,
Ezhilagam, Chennai - 5.

3.The Assistant Director,
Land Survey and Records
Kanniyakumari District.

+lcc to M/s.A.Arulmozhi, Advocate Sr.38989
+lcc to the Government Pleader Sr.39325

W.P.No.5905 of 2007

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