

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.25239 TO 25242 OF 2013

D.Sekar	... Petitioner in W.P.25239/2013
C.Rajendran	... Petitioner in W.P.25240/2013
G.Gowrishankar	... Petitioner in W.P.25241/2013
G.Anbalagan	... Petitioner in W.P.25242/2013

Vs.

1. The Commissioner,
Survey and Land Records Department,
Survey House, Chepauk,
Chennai 05.
 2. The Additional Director,
Survey and Land Records Department,
Survey House, Chepauk,
Chennai 05.
 3. The Assistant Director,
Survey and Land Records,
Villupuram District,
Villupuram.
- ... Respondents in all the W.Ps.

Prayer in W.P.Nos.25239 and 25240 of 2013:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order passed by the third respondent in O.mu.A1/4807/12 dated 31.07.2012 and the subsequent order passed by the second respondent in Na.ka.ra3/28767/2012 dated 04.10.2012 and quash the same and further direct respondents to fix the pay on par with his junior and pay the arrears within a reasonable time.

Prayer in W.P.Nos.25241 and 25242 of 2013:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order passed by the third respondent in Na.ka.A1/4344/2012 dated 25.10.2012 and

quash the same and further direct respondents to fix the pay on par with his junior and pay the arrears within a reasonable time.

For Petitioners : Mr.S.Sivakumar

For Respondents : Mr.S.Thangavel
Special Government Pleader

C O M M O N O R D E R

Since the issue involved in all these writ petitions are similar in nature, they are heard together and disposed of by way of this common order.

2.The case of the petitioners is that the petitioners joined the service in the Survey and Land Records Department as Surveyor/Draughtsman during the year 1982 on consolidated pay and were brought into regular time scale of pay during the year 1988. The petitioners were further promoted as Firka Surveyor during the year 1999 and were further promoted as Sub-Inspector of Survey during the year 2007. The petitioner in W.P.No.25239 of 2013 was further promoted as Deputy Inspector of Survey during the year 2013.

3.It is the further case of the petitioners that the Assistant Director, Cuddalore District, published combined seniority list on 26.02.1997 and aggrieved by the same, some persons approached the Tamil Nadu Administrative Tribunal by filing O.A.No.5459 of 1996 and obtained an order of status quo. Thereafter, the second respondent promoted the said persons as Firka Surveyor and Sub-Inspector of Survey and hence, the petitioners made representation to the second respondent. The said representation was not considered by the second respondent and hence, a representation was made to the Commissioner and thereafter, the promotions granted to the said persons were cancelled.

4.It is the further case of the petitioners that due to the mal administration of the third respondent, pay anomaly has been crept in where the juniors draw more salary than the seniors. The petitioners claim for rectification in pay anomaly by bringing parity between the seniors and juniors was not considered by the respondents. Hence, these writ petitions.

5.The learned counsel appearing for the petitioners would submit that the petitioners made representation to the third respondent seeking rectification in pay anomaly by bringing parity between the seniors and juniors, however, their claim was

rejected by the third respondent. Hence, the petitioners filed appeals before the first respondent. However, the second respondent passed order in the appeals filed by the petitioners in W.P.Nos.25239 and 25240 of 2013, rejecting the claim of the petitioners and the appeals filed by the petitioners in W.P.Nos.25241 and 25242 of 2013 are pending.

6.The learned counsel appearing for the petitioners would further submit that since the petitioners filed appeals before the first respondent, it would suffice, if this Court remands the matter back to the first respondent and issues direction to the first respondent to consider the matter afresh and to pass appropriate orders.

7.The learned Special Government Pleader would submit that since the learned counsel appearing for the petitioners now seek for a limited relief, this Court may remand the matter back to the first respondent to consider the matter afresh, on merits and in accordance with law and for passing appropriate orders.

8.Considering the limited relief now sought for by the learned counsel appearing for the petitioners, this Court remand the matter back to the first respondent and directs the first respondent to consider the appeals filed by the petitioners, on merits and in accordance with law and pass appropriate orders, within a period of six months from the date of receipt of a copy of this order.

9.The writ petitions are accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Survey and Land Records Department,
Survey House, Chepauk,
Chennai 05.
2. The Additional Director,
Survey and Land Records Department,
Survey House, Chepauk, Chennai 05.

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

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.34637

W.P.Nos.25239 to 25242 of 2013

BS (CO)
CS/02/12/2020