



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.8382 of 2010
and
M.P(MD)Nos.2 & 4 of 2010

K.Indira

... Petitioner

Vs

1. The Assistant Director of Survey
and Land Records,
Gandhiji Road,
Thanjavur.

2. The Regional Deputy Director,
Survey and Land Records,
Court Campus,
Trichy - 20.

... Respondents

(Cause-title amended as per the order of this Court
dated 09.08.2011 in M.P(MD)No.3 of 2010)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the first respondent in his proceedings in Na.Ka.No.A8/4831/10 dated 28.06.2010 and to quash the same and consequently directing the first respondent to restore the order passed in his proceedings Na.Ka.A8/4831/10 dated 16.06.2010.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the first respondent by the

<https://hcservices.mca.gov.in/hcservices/>

Na.Ka.No.A8/4831/10 dated 28.06.2010 and to quash



the same and consequently, directing the first respondent to restore the order passed by the proceedings Na.Ka.A8/4831/10 dated 16.06.2010.

2.The case of the petitioner is that she joined duty as a Section Writer on 01.02.1985, the cadre of Section Writer is converted in Survey-cum-Draftsman on 22.01.1990 and thereafter, she was promoted as Land Records Draftsman. At the time of bifurcation in Thanjavur District, the petitioner was temporarily appointed in Nagapattinam District.

3.In the meantime, the petitioners in W.P.No.21000 of 2001 filed a Writ Petition to include the names of the petitioners therein in the seniority list of the newly formed Thanjavur District in accordance with the order dated 19.08.1998 transferring the petitioners therein to the newly formed Thanjavur District.

4.The Division Bench of this Court by order dated 10.12.2009, directed the respondents therein to restore the seniority of the petitioners therein by placing them in the independent seniority list, as the date of their joining in Thanjavur District drafted for Thanjavur District alone, based on the allotment order dated 02.03.1995.

5.As per the order dated 10.12.2009, the first respondent promoted the petitioner by proceedings dated 16.06.2010 and the same was informed to her on 22.06.2010. When the petitioner went to Kumbakonam Taluk Office, the respondents refused to relieve her. The first respondent by proceedings dated 28.06.2010 cancelled the promotion order *suo motu* without giving any notice to her.

6.The grievance of the petitioner is that the first respondent by proceedings dated 16.06.2010 promoted the petitioner and two others as Senior Draftsman with a condition that it is purely a temporary basis and further it is stated that it is subject to the outcome of the Writ Petitions in W.P(MD)Nos.21000 of 2001 and 6460 of 2007, dated 10.12.2009 and subsequently, the first respondent by proceedings dated 28.06.2010 cancelled the promotion order of the petitioner and two others. Challenging the same, the petitioner has filed the present Writ Petition.

7.In the counter-affidavit filed by the respondents it is stated that in W.P(MD)No.21000 of 2001, the Division Bench of this Court by order dated 10.12.2009 directed the respondents to restore the petitioners therein by placing them in the independent seniority list, as the date of their joining in Thanjavur District drafted for Thanjavur District alone, as on the date of the



joining in Thanjavur District and not to put them in the combined seniority list of trifurcated Thanjavur, Nagapattinam and Thiruvarur Districts. Accordingly, the petitioners therein were placed them in the independent seniority list alone as on the date of joining in Thanjavur District. By proceedings dated 16.06.2010, the petitioner herein was promoted, but, subsequent to the filing of the Contempt Petition by the petitioners in W.P(MD)No.21000 of 2001, the first respondent cancelled the promotion order vide proceedings dated 28.06.2010.

8.When the matter came up for hearing on 05.07.2010, this Court granted an order of interim stay.

9.When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents submitted that earlier the first respondent cancelled the promotion order of the petitioner subject to the outcome of the Writ Petitions in W.P(MD)Nos.21000 of 2001 and 6460 of 2007, but subsequently, she was again promoted and retired on 31.07.2015 and pension and all other benefits were granted to her. Further, the learned Additional Government Pleader submitted that nothing survives for adjudication in the Writ Petition.

10.The learned counsel appearing for the petitioner also submitted that nothing survives for further adjudication in the Writ Petition.

11.In view of the submissions made by the learned counsel appearing on either side, the Writ Petition is dismissed as Infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar()

TO

1. THE ASSISTANT DIRECTOR OF SURVEY
AND LAND RECORDS,
GANDHIJI ROAD,
THANJAVUR.



2. THE REGIONAL DEPUTY DIRECTOR,
SURVEY AND LAND RECORDS,
COURT CAMPUS,
TRICHY - 20.

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+1 CC to M/s.SPL.GP (SR-10158[F] dated 05/03/2020)

+1 CC to M/s.F.DEEPAK, Advocate (SR-10461[F] dated 06/03/2020)

Order made in
W.P.(MD)No.8382 of 2010 and
M.P(MD)Nos.2 & 4 of 2010
04.03.2020

SRS/ 17.03.2020/ 4P/5C