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W.P. No.44525 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.44525 of 2016

M.Chandran,
S/o.Manickam

... Petitioner

-VS-

1. The Commissioner,
Survey and Land Records Department,
Chepauk, Chennai.

2. The Additional Director of Surveyor,
Survey and Land Records Department,
Chepauk, Chennai.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records of the 2nd respondent herein in his proceedings Na.Ka.Ka3/42778/2015 (Nee A) dated 20.10.2016 and quash the same and direct the 1st respondent herein to give promotion to the petitioner as Inspector of Survey with effect from 03.03.2014 and give all attended benefits.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents : Mr.T.Sampath Kumar
Government Advocate



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ORDER

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2. The petitioner was appointed as Surveyor on 01.12.1982 and he was promoted to the post of Deputy Inspector of Surveyor on 26.02.2012 and his next avenue of promotion was Inspector of Surveyor, the name of the petitioner was included in the panel for the year 2013-2014, which was published on 03.03.2014. As per the panel, the name of the writ petitioner was found at S.No.18, however, the promotion was granted upto S.No.15 and thereafter, no promotion was granted to other persons, who were included in the panel.

3. The learned counsel for the petitioner mainly contend that after the publication of panel for the year 2013-2014 dated 03.03.2014, another seven persons were promoted vide proceedings dated 24.06.2014, which was irregular and such promotions granted to other persons resulted in denial of opportunity to the petitioner for promotion



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to the post of Inspector of Surveyor.

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4. In the meanwhile, the petitioner reached the age of superannuation and retired from service on 30.06.2014.

5. The fact remains that the promotions granted to other persons vide proceedings dated 24.06.2014 is not under challenge in the present writ petition. Those promoted persons are not parties to this writ petition and therefore, now this Court cannot adjudicate the validity of those promotion order issued on 24.06.2014, which was issued based on the orders of the Head of the Department and the appeal filed by those seven persons and the orders passed therein are not subject matter in this writ petition and therefore, this Court cannot consider the proceedings dated 24.06.2014 for the purpose of retrospective promotion of the petitioner to the post of Inspector of Surveyor based on the panel dated 03.03.2014. That apart, above the petitioner other two persons were also not granted promotion to the post of Inspector of Surveyor since the panel acted upon upto S.No.15, S.Nos.16 and 17 were also not promoted, the petitioner was in S.No.18. Though the panel was released on 03.03.2014, the petitioner retired from service on 30.06.2014 after three months from the



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publication of the panel and during the service of the writ petitioner, no other junior in the panel dated 03.03.2014 was promoted to the post of Inspector of Surveyor.

6. This being the factum, this Court do not find any acceptable reason for the purpose of considering the relief sought for in this writ petition. Accordingly, the writ petition stands dismissed. No costs.

10.11.2022

Index : Yes
Speaking Order : Yes
mp

To

1. The Commissioner,
Survey and Land Records Department,
Chepauk, Chennai.
2. The Additional Director of Surveyor,
Survey and Land Records Department,
Chepauk, Chennai

S.M.SUBRAMANIAM, J.



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