



W.P Nos. 8210 & 15305 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.09.2023**

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

WP Nos. 8210 & 15305 of 2017

And

W.M.P.No. 8967 of 2017

S.Gomathiammal ... Petitioner in W.P.No. 8210 of 2017

B.Dhansekaran ... Petitioner in W.P.No. 15305 of 2017

-Vs-

1. The Government of Tamil Nadu
Represented by its Secretary
Revenue Department
Fort St. George
Chennai – 600 009.
2. The Director of Survey and Land Records
Chepauk, Chennai – 600 005.

... Respondents in both W.Ps.



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3. The Assistant Director
Survey and Land Records Department
District Collector Complex
Tirunelveli District.

... Respondent in W.P.No. 8210 /2017

4. The Assistant Director
Survey and Land Records Department
District Collector Complex
Villupuram District.

... Respondent in W.P.No. 15305 /2017

PRAYER IN W.P.No. 8210/2017: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the Letter ID No. 23 dated 24.01.2017 on the file of the first respondent, quash the same and consequently direct the respondents to re-fix the seniority of the petitioner in the cadre of Assistant in the panel year 1994-1995 by placing her name above Mrs.K.Rajeswari who was placed in Serial No.1/1994 of the panel, on the basis of the Judgment rendered by the Honourable Supreme Court on 13.01.2014 in SLP Civil No. 19324 of 2009.

PRAYER IN W.P.No.15305/2017: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the Letter ID No. 23



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dated 24.01.2017 on the file of the first respondent, quash the same in so far as the petitioner is concerned and consequently direct the respondents to re-fix the seniority of the petitioner in the cadre of Assistant in the panel year 1994-1995 by placing her name above Mrs. V.Pooranavi Malavathi, who was placed in Serial No.4/1993 of the panel, on the basis of the Judgment rendered by the Honourable Supreme Court on 13.01.2014 in SLP Civil No. 19324 of 2009.

For Petitioner in both W.Ps. : Mr. P.Ganesan

For Respondent in both W.Ps. : Mr. S.Ravi Kumar
Special Government Pleader

COMMON ORDER

Since arguments are advanced in both the Writ Petitions in common and the facts are also common, a common order is passed.

2. Both the Writ Petitions have been filed in the nature of Certiorarified Mandamus seeking records relating to a letter 1 D.No. 23 dated 24.01.2017 of the first respondent/ the Secretary, Revenue Department, Government of Tamil Nadu and quash the same so far as the



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petitioners are concerned and direct the respondents to re-fix the seniority of the petitioners in the cadre of Assistant in the panel year 1994-1995.

3. In the affidavit filed in support of the Writ Petitions, it had been stated that both the Writ Petitions had joined as Steno Typist in Survey and Land Records Department on 04.06.1990 and 13.06.1990 respectively. Their services were regularised with effect from 04.06.1990. They have both promoted to the post of Assistant on 13.07.2009. It had been further stated that the promotion to the post of Assistant came up for consideration among Junior Assistants and Typist / Steno Typist and the promotion was in the ratio 4:1 which would mean that for four Junior Assistants, one among Typist / Steno Typist would be promoted to the post of Assistants. This was determined by G.O.Ms.No. 224 Personnel and Administrative Reforms Department dated 08.03.1984. Subsequently, by G.O.Ms.No. 34 Personnel and Administrative Reforms Department dated 21.02.2001, it was held that consequent to segregation of posts of Steno Typist and Typiest into two separate categories, and out of Steno Typist itself since there were three



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separate scale of Steno Typist Grade - I, Grade -II and Grade - III, the promotional aspects of Steno Typist Grade - III were very bleak as they could be promoted only Steno Typist Grade -II and Grade-I and only thereafter be considered for further promotion as Assistants. Therefore, it was stated that those who had completed 8 years of service as Steno Typist Grade - III can also opt for the post of Assistants on transfer.

4. The petitioners herein had given representations to be so considered. The respondents had granted such promotion as Assistants only in the year 2009 claiming that they should have completed 8 years as per G.O.Ms.No. 34, Personnel and Administrative Reforms Department dated 21.02.2001. The petitioners were therefore not included in the panel of the year 1994-1995.

5. However, the learned counsel for the petitioners now relied on G.O.Ms.No. 122, Personnel and Administrative Reforms (B) Department, dated 02.09.2005, wherein the Government, on examining the above issue



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had reduced the number of years experience for Steno Typist Grade -III to be also considered to be moved to the post of Assistants from 8 years to 5 years. Placing reliance on that particular fact, the learned counsel therefore states that the petitioner should have been considered for the panel years 1994-1995.

6. However, this particular stand is very seriously objected to on behalf of the respondents and it is the contention on behalf of the respondents that the petitioners would have completed even the period of five years only in the panel year 1995-1996 and therefore, the relief sought that they should be considered for the panel year 1994-1995 is misconceived and should not be granted.

7. However, the impugned order proceeds on the basis of G.O.Ms.No. 34 Personnel and Administrative Reforms Department dated 21.02.2001, and had not been taken into consideration G.O.Ms.No. 122, Personnel and Administrative Reforms (B) Department, dated 02.09.2005,



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reducing the number of experience from 8 years to 5 years. Therefore, to that extent, the impugned order is set aside.

8. A direction is given to the respondents to reconsider the representations of the petitioners on the basis of G.O.Ms.No. 122, Personnel and Administrative Reforms (B) Department, dated 02.09.2005, which had reduced the number of years of experience as Steno Typist Grade-III to be moved on transfer or otherwise to the post of Assistants from 8 years to 5 years. If that be the case, the learned counsel for the respondents may examine this particular issue and issue fresh proceedings. Such proceedings should be issued within a period of 12 weeks from the date of receipt of a copy of this order and also protect the promotion of the petitioners since they had suffered as necessary orders had not been passed by taking into consideration G.O.Ms.No. 122 dated 02.09.2005.

C.V.KARTHIKEYAN,J.



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vsg

WEB COPY 9. The Writ Petition stands disposed of. No costs. Consequently,
connected Civil Miscellaneous Petition is closed.

vsg

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Index: Yes/No

Neutral Citation: Yes/No

To

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