



W.P.No.25701 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.25701 of 2018
and
W.M.P.No.29893 of 2018

R.Jayagopi

...Petitioner

-Vs-

1.Government of Tamil Nadu,
Rep. by the Principal Secretary to Govt.,
Revenue Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner/Director of
Survey and Settlement,
Chepauk, Chennai - 600 005.

3.The Regional Deputy Director of
Survey and Land Records,
Coimbatore Collectorate,
Coimbatore - 18.

4.The Assistant Director of
Survey and Land Records,
District Collectorate,
Dharmapuri - 636 705.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to grant all consequential benefits, by way of proper and complete implementation of the judgment dated 17.12.2014 in W.A.No.1741 of 2012 and the judgment dated 03.12.2010 in W.P.No.10230 of 2006, including (i) Regularization of the petitioner services in the Field Surveyor and consequential fixation of pay with effect from 01.11.1984, (ii) Declaration of probation in the post of Field Surveyor on 09.11.1986, (iii) Promotion to the post of Firka Surveyor from 21.11.1990 and consequential fixation of pay on par with the petitioner junior, (iv) Promotion to the post of Deputy Surveyor/ Sub-Inspector of Survey with effect from 13.12.1991 and consequential fixation of pay in the said post, (v) Grant of Selection Grade in the post of Sub-Inspector of Survey with effect from 13.12.2001 with consequential benefits, (vi) Grant of Special Grade in the post of Sub-Inspector of Survey with effect from 13.12.2011 with all consequential benefits and (vii) Consequential refixation of retirement and pensionary benefits in the Special Grade Scale of pay in the post of Sub-Inspector of Survey with all consequential benefits and (viii) appropriate interest on all delayed payments with effect from the date on which the said payment till the date of actual disbursement of the said payments to me within a stipulated time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.K.H.Ravikumar,
Government Advocate



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ORDER

WEB COPY Heard Mr.M.Ravi, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the respondents.

2. The prayer in the present writ petition is for implementation of the orders passed in W.P.No.10230 of 2006, dated 03.12.2010, as confirmed in W.A.No.1741 of 2012, dated 17.12.2014. In the order passed by the Writ Court, dated 03.12.2010, the following direction has been made:-

"9. Considering the admitted fact as regards the date of appointment and taking note of the order passed that the time scale of pay has been granted only in 1994, the second respondent is hereby directed to consider the petitioner's claim, thereby fixing the seniority as pointed out in the letter dated 27.3.1994. Paragraph 6 of the counter reads the admitted position as regards the date of appointment on consolidated pay. However the counter is silent on the aspect of the delayed consideration of the petitioner's case for regularisation. There are hardly any material to suggest that the petitioner was not considered for time scale of pay on account of pending disciplinary proceedings and that the time scale of pay had to be postponed to 1994. In the



absence of any material to suggest so, I have no hesitation in allowing the writ petition thereby quashing the order of the second respondent and the second respondent is hereby directed to give effect to the petitioner's seniority below Akbar Basha and above one D.Subramaniam, as pointed out in the letter dated 27.3.1994, within a period of six weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No costs. Consequently, WP.MP.Nos.11571 of 2006 and 547 of 2007 are closed."

3. According to the petitioner, the orders were not implemented, for which purpose, he had made representations and since the representations were not considered in time, he had preferred the present writ petition..

4. The respondents have now filed a counter affidavit, in which, it is stated as follows:-

"6.it is submitted that with regard to averments made in paras 5 to 8 of the affidavit, in order to implement t he orders of the Honourable Court in



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W.P.No.10230 of 2006, the following necessary orders have been issued by the respondents:

i) The services of the petitioners in the category of Field Surveyor has been regularised with effect from 01.11.1984 as per orders of the Assistant Director of Survey and Land Records, Dharmapuri vide proceedings Na.Ka.G1/3334/2018 dated 28.12.2018.

ii) The Assistant Director of Survey and Land Records, Dharmapuri in his proceedings Na.Ka.G1/3334/2018 dated 20.08.2019.

iii) Based on the orders dated 03.12.2010 of the Hon'ble High Court in W.P.No.10230 of 2006, the petitioner was promoted to the post of Firka Surveyor with effect from 14.10.1987 on par with his senior Thiru.Akbar Basha, as per orders of the Assistant Director of Survey and Land Records, Dharmapuri in proceedings Na.Ka.G1/3334/2018 dated 20.08.2019.

iv) Based on the orders dated 03.12.2010 of the Hon'ble High Court in W.P.No.10230 of 2006, the petitioner was promoted to the post of Sub-Inspector of Survey and Land Records with effect from 18.05.998, on par with this senior Thiru.Akbar Basha, as per orders of the Assistant Director of Survey and Land Records, Dharmapuri in proceedings Na.Ka.G1/3334/2018 dated 27.08.2019.



v) The petitioner was granted selection grade in the post of Firka Surveyor with effect from 27.10.1997 as per orders of the Assistant Director of Survey and Land Records, Dharmapuri in proceedings Na.Ka.G1/3334/2018 dated 30.08.2019.

vi) The petitioner was granted selection grade in the post of Sub-Inspector of Survey and Land Records with effect from 19.05.2008 as per orders of the Assistant Director of Survey and Land Records, Dharmapuri in proceedings Na.Ka.G1/3334/2018 dated 30.08.2019.

vii) As the petitioner had attained the age of superannuation on 30.11.2015, sanction of Special Grade in the post of Sub Inspector of Survey and Land Records does not arise.

viii) The refixation of pay of the petitioner in the category of Field Surveyor, Firka Surveyor and Sub Inspector of Survey and Land Records have been worked out by the Assistant Director of Survey and Land Records, Dharmapuri in proceedings Na.Ka.G1/3334/208 dated 06.09.2019. It is submitted that the pay has been refixed notionally in the category of Filed Surveyor and Firka Surveyor and monetary benefits will be granted to the petitioner in the category of Sub Inspector of Survey and Land Records with effect



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from 18.01.2010. The copy of the above proceedings have been sent to the Assistant Director of Survey and Land Records, Krishnagiri from where the petitioner has retired, in order to work out the revised pension proposals."

5. As per the stand taken by the respondents, the directions of this Court made in W.P.No.10230 of 2006 has been complied through the proceedings of the respondents dated 28.12.2018, 20.08.2019, 27.08.2019 and 30.08.2019. Thus, the grievance of the petitioner seems to have been met and therefore, no effective orders can be passed in this writ petition.

6. At this juncture, the learned counsel for the petitioner submitted that the copies of the proceedings stated in paragraph 6 of the counter affidavit, which has been extracted above, have not been served on them and that opportunity may be granted to him to challenge the proceedings, in case the implementation of the orders of this Court has not been properly made.

7. In this regard, the petitioner is granted liberty to give a representation, seeking for copies of all the proceedings, in case the same



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have not been already furnished to him, and on receipt of the same, the respondents shall furnish copies of all the proceedings mentioned in paragraph 6 of their counter, within a period of two weeks from the date of receipt of the representation. The petitioner is also at liberty to file a fresh writ petition, in case the implementation has not been properly effected.

8. With the above liberty, the Writ Petition stands closed. No costs.
Consequently, connected miscellaneous petition is closed.

16.02.2023

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



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Government of Tamil Nadu,
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M.S.RAMESH,J.

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