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W.P.Nos.1365, 6739, 8622 to 8626, 8732 to 8734 and 29613 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.Nos.1365, 6739, 8622 to 8626, 8732 to 8734 and 29613 of 2013

and

M.P.No.1, 1, 2, 2, 2, 2, 2, 2 and 2 of 2013

and

W.M.P.Nos.38470 and 38471 of 2016

and

W.M.P.Nos.10672 and 19517 to 19520 of 2017

W.P.No.1365 of 2013

S.Murugesan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Revenue Department, Fort St. George,
Chennai – 600 009.
2. The Director of Survey and Settlement,
Chepauk, Chennai – 600 005.
3. The Additional Director of Survey and Land Records,
Chepauk, Chennai – 600 005.
4. The Regional Deputy Director,
Survey and Land Records,
Coimbatore – 18.



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5. The Assistant Director of Survey and Land Records,
Salem.

6. The Assistant Director of Survey and Land Records,
Namakkal.

7. K.Subramaniam

8. P.A.Rangapillai ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent vide G.O.Ms.No.425 (Revenue N.e.A-3(2) Department), culminating in its order, dated 27.11.2012, quash the same in so far as petitioner is concerned, and direct the respondents 1 to 6 herein to maintain the petitioner seniority based on the regularisation of his service, with effect from 1.7.1984 on the basis of G.O.Ms.No.626 dated 16.4.1990, G.O.Ms.No.851 dated 23.5.1990 and G.O.Ms.No.376 dated 13.6.2006 and consequent promotions as per the orders of 5th respondent dated 30.5.2008 and 25.3.2009.

In W.P.No.1365 of 2013



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For Petitioner : Mr.R.Annamalai

For R1 to R6 : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader

For R7 & R8 : Mr.K.S.Viswanathan, Senior Counsel
for M/s.T.Hemalatha

In W.P.No.6739 of 2013

For Petitioner : Mr.R.Annamalai

For R1 to R6 : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader

In W.P.No.8622 of 2013

For Petitioner : Mr.M.Ravi

For R1 to R4 : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader

Counsel
For R5 to 8 & R10 : Mr.K.S.Viswanathan, Senior
for M/s.T.Hemalatha

In W.P.No.8623 of 2013



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W.P.Nos.1365, 6739, 8622 to 8626, 8732 to 8734 and 29613 of 2013

For Petitioner : Mr.M.Ravi

For R1, 2 & R4 : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader

Counsel For R5 to 8 & R10 : Mr.K.S.Viswanathan, Senior
for M/s.T.Hemalatha

In W.P.No.8624 of 2013

For Petitioner : Mr.M.Ravi

For R1 to R4 : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader

Counsel For R6 to 9 & R11 : Mr.K.S.Viswanathan, Senior
for M/s.T.Hemalatha

In W.P.No.8625 of 2013

For Petitioner : Mr.M.Ravi

For R1 to R4 : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader



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For R6 to 8 & R10 : Mr.K.S.Viswanathan, Senior
for M/s.T.Hemalatha

In W.P.No.8626 of 2013

For Petitioner : Mr.M.Ravi

For R1 to R4 : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader

Counsel
For R6 to 9 & R11 : Mr.K.S.Viswanathan, Senior
for M/s.T.Hemalatha

In W.P.Nos.8732 to 8734 of 2013

For Petitioner : Mr.A.Jenasenan

For R1 to R4 : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,
Additional Government Pleader

In W.P.No.29613 of 2013

For Petitioner : Mr.A.Jenasenan

For Respondent : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.G.Velu,



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Additional Government Pleader

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COMMON ORDER

In all these batch of writ petitions, a challenge is made to the Government Order vide G.O.Ms.No.425, Revenue N.e.A-3(2) Department, dated 27.11.2012 and the consequential proceedings issued by the Assistant Director of Survey and Land Records, Salem District vide proceedings bearing Na.Ka.No.A3/9061/2012 dated 11.02.2013.

2. This case has a chequered history, which pertains to seniority among the Surveyors/ Draughtsman, who were initially appointed on consolidated pay and subsequently brought on regular time scale of pay by virtue of the orders issued in G.O (Ms) No.910, Commercial Taxes and Religious Endowments Department, dated 10.08.1983. A provisional seniority list was prepared and the same was the subject matter of challenge before this Court as well as the Hon'ble Apex Court.

3. When the matter finally landed before the Hon'ble Apex Court in Civil Appeal No.926 of 2004 in the case of “*M.Pachiappan and others*”



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-vs- S.Markandam and others”, the Hon'ble Apex Court, having taken

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note of the fact that the respondent authorities have already issued a final seniority list dated 22.10.1996 through proceedings bearing RC.No.A4/10109/96(1), and having noticed that there was no challenge to the said final seniority list, closed the said Civil Appeal by an order dated 20.05.2009.

4. The seniority list that was finally prepared on 22.10.1996 has not been challenged by any of the parties herein. In other words, the said seniority list dated 22.10.1996 was allowed to become final. The respondents 7 and 8 in W.P.No.1365 of 2013, who are the beneficiaries of the impugned G.O (Ms) No.425 dated 27.11.2012 are admittedly shown as seniors to all the petitioners in this batch of writ petitions, who were now challenging the said Government Order vide G.O (Ms) No.425 dated 27.11.2012.

5. The seniority list dated 22.10.1996 was allowed to become final



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and there is no challenge to the said seniority list in the present batch of writ petitions. If that be the case, whatever benefit that is extended in favour of the respondents 7 and 8 in W.P.No.1365 of 2013, who are the beneficiaries of the impugned Government Order are seniors to all other parties to these writ petitions.

6. As the impugned G.O (Ms) No.425 dated 22.10.1996 and the consequential proceedings dated 11.02.2013 are only consequent upon the final seniority list that was issued on 22.10.1996, which admittedly has attained finality, in the considered view of this Court, the petitioners herein cannot have any basis to challenge the impugned proceedings.

7. It is also not in dispute that the impugned Government Order 22.10.1996 and the consequential proceedings dated 11.02.2013 are only in terms of the final seniority list that was issued on 22.10.1996. In view of the same, this Court does not deem it necessary to refer to all other background facts right from the year 1983 onwards.



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8. In the circumstances, the question of interfering with G.O (Ms)

No.425 dated 22.10.1996 and the consequential proceedings dated 11.02.2013 does not arise and it is not open for the petitioners to challenge the said Government Order, without there being any challenge to the final seniority list dated 22.10.1996. In case, if any of the petitioners in this batch of writ petitions are to face reversion or change of date of their promotions, no recovery shall be effected from them, as all the petitioners have retired from service during the years 2013-2016 in the light of the law laid down by the Hon'ble Apex Court in the case of ***“State of Punjab -vs- Rafiq Mashi (White Washer) and others”*** reported in **(2015) 4 SCC 334**.

9. Accordingly, all the writ petitions challenging G.O (Ms) No.425 22.10.1996 and the consequential proceedings dated 11.02.2013 are hereby dismissed. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

skr
Index : Yes / No
Speaking order / Non-speaking order

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Neutral Citation : Yes / No
To

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1. The Principal Secretary to Government of Tamil Nadu,
Revenue Department, Fort St. George, Chennai – 600 009.
2. The Director of Survey and Settlement, Chepauk, Chennai – 600 005.
3. The Additional Director of Survey and Land Records,
Chepauk, Chennai – 600 005.
4. The Regional Deputy Director,
Survey and Land Records, Coimbatore – 18.
5. The Assistant Director of Survey and Land Records, Salem.
6. The Assistant Director of Survey and Land Records, Namakkal.



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MUMMINENI SUDHEER KUMAR, J.

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