



W.P.No.4253 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4253 of 2020 and
W.M.P.Nos.5022, 7419 & 20357 of 2020

V.Mahendrakumar

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Revenue & Disaster Management,
Fort St. George, Chennai 600 009.

2.The Director,
Department of Survey and Settlement,
Government of Tamilnadu,
Ezhilagam, Chepauk, Chennai 600 005.

3.The Secretary to Government,
Department of Personnel and Administration,
Government of Tamilnadu,
Fort St. George, Chennai 600 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents more particularly the first respondent, from taking any further action or passing any further order or orders in respect of the impugned G.O(Ms).No.467 dated 05.12.2019 and further direct the respondents, more particularly the first respondent to consider the representation dated 02.12.2019 made



W.P.No.4253 of 2020

by the petitioner in accordance with law and established practices of the Department including by affording an opportunity of hearing to the petitioner.

For Petitioner : Ms.M.E.Raniselvam for
Mr.T.Sundaranathan
For Respondents : Mr.S.Arumugam, GA

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to forbear the respondents more particularly the first respondent, from taking any further action or passing any further order in respect of the impugned G.O(Ms).No.467 dated 05.12.2019 and further direct the respondents, more particularly the first respondent to consider the representation dated 02.12.2019 made by the petitioner in accordance with law and established practices of the Department by affording an opportunity of hearing to the petitioner.

2. Heard Ms.M.E.Raniselvam, learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate for the respondents.



W.P.No.4253 of 2020

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3. The petitioner is working as Maintenance Firka Surveyor in the Department of Survey and Settlement and he claims himself as the President of Tamil Nadu Survey Department Officers Association. It is submitted that the Survey and Settlement Wing consists of three categories viz., (i) Field Category (ii) Draftsman Category (iii) Ministerial Category. The survey process would be carried out in accordance with the classification given under A to H work categories by the field staff and technical staff respectively.

4. The learned counsel for the petitioner submitted that prior to the year 1980, the Survey Wing of Survey and Land Records was headed by a Deputy Director of Survey and Land Records. In the year 1980, that post was upgraded as Joint Director of Survey and Land Records. In the year 2012, a new post of Joint Director was created and it was upgraded as Additional Director in the year 2017. Now, only two posts of Additional Director can be filled up among the Field Category staff of Survey and Land Records Department. Since the basic qualification is



W.P.No.4253 of 2020

only SSLC for Field Surveyor, Draftsman and Junior Assistant, the department has to give equal opportunity to all the three categories in the matter of top most promotion to the cadre of Additional Director. The petitioner has given a representation in his capacity as the President of the Association to create opportunities for promotion and frame rules to save the career progress of Surveyors.

5. However, the learned Government Advocate for the respondents submitted that the representation of the petitioner has already been considered and orders have been passed on 10.08.2020.

6. When the matter of promotion is an individual right, the party affected ought to have sent a representation individually to the Department. The petitioner appears to have sent a representation in his capacity as a President of the Association. However, he has to approach this Court in his individual capacity. But, the respondents appeared to have considered the representation of the petitioner and passed certain orders. In such case, if the individuals are affected in view of the above



W.P.No.4253 of 2020

order, it is upto them to challenge the same in the manner known to law and in accordance with the respective cause of action that might arise against each of them. However, in the counter it has been stated that the Government has not issued any orders for disbanding any higher posts in Survey and Land Records Department. If the petitioner and other employees are not satisfied with the above undertaking, it is upto them to challenge the future orders, if any, in a manner known to law.

7. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petitions are closed.

26.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



W.P.No.4253 of 2020

R.N.MANJULA, J.

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To

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3.The Secretary to Government,
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