



WEB COPY



W.P.No.14977 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14977 of 2022
and W.M.P.No.14199 of 2022

N.Sudhakar

... Petitioner

-Vs-

1. The Director of Commissioner,
Survey and Settlement Department,
Survey House,
Chepauk – 600 005.

2. The Assistant Director of
Survey and Land Records and
P.A. to Collector,
Collectorate,
Ariyalur – 621 704.

3. M.Senthamilselvan
Field Surveyor,
Survey and Land Records Department,
Ariyalur.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first and second respondents to promote the petitioner as Firka Surveyor.



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For Petitioner : Mr.S.Ilamvaludhi

For Respondents

For R1 & R2 : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for direction to direct the respondents 1 & 2 to consider the case of the petitioner and to promote him as Firka Surveyor.

2. The petitioner was originally appointed as Field Surveyor on 17.06.2011 on compassionate ground appointment. In the year 2018, he was transferred to Nagapattinam and the same was kept abeyance in view of the review petition. While being so, the second respondent issued charge memo under Rule 17(a) Tamil Nadu Civil Services (Discipline and Appeal) Rules (hereinafter referred to as “TNCS Rules”). Thereafter, another charge memo was served on the petitioner under Rule 17(b) of TNCS Rules, on 27.10.2016 consisting five charges.

3. Thereafter, the enquiry officer conducted enquiry and after completion of enquiry, the petitioner was imposed with punishment of



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stoppage of increment for three months without cumulative effect.

Aggrieved by the same, the petitioner preferred an appeal before the Regional Deputy Director, Trichy, and the same was also dismissed on 18.03.2019, confirming the punishment imposed on the petitioner. The punishments were once again challenged before this Court in W.P.Nos. 24216 & 24221 of 2021 and both the writ petitions are pending before this Court.

4. According to the petitioner, there is no criteria for promotion and he is entitled promotion to the post of Firka Surveyor. The third respondent also charged with the same set of charges and after completion of period of punishment, he was promoted as Firka Surveyor. Therefore, the petitioner filed the present writ petition with the above said prayer.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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6. On perusal of counter revealed that the petitioner was imposed with punishment of stoppage of increment for three months without cumulative effect. The third respondent also was imposed with the same punishment. However, the petitioner continuously challenging the order of punishment before the appellate authority as well as before this Court. Therefore, the petitioner's name could not be considered for the panel year upto 2022-23. Further the petitioner does not deserve any right to compare his case with that of the third respondent, since the third respondent undergone the punishment of three months stoppage of increment without cumulative effect.

7. Considering the above facts and circumstances, the respondents 1 & 2 are directed to consider the case of the petitioner for promotion to the post of Firka Surveyor on merits and in accordance with law, except the reason of punishment imposed on him, within a period of twelve weeks from the date of receipt of a copy of this Order.



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8. With the above directions, this Writ Petition is disposed of.

Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

09.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

1. The Director of Commissioner,
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G.K.ILANTHIRAIYAN. J.

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