



WEB COPY

W.P.No.34700 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.34700 of 2014

and

W.M.P.Nos.1 and 2 of 2014

and

M.P.No.1 of 2015

M.Pachaiannan

... Petitioner

Vs.

1. The Additional Director of Survey & Land Records,
Survey House, Chepauk, Chennai – 600 005.
2. The Regional Joint Director of Survey and Land Records,
Coimbatore District.
3. The Assistant Director of Survey and Land Records,
Udagamandalam, Nilgris District.
4. The Principal Accountant General (A&E) Tamil Nadu,
No.361, Anna Salai, Chennai – 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the letter bearing ROC. N2/7662/2014 (LS) dated 11.11.2014 of the first respondent and quash the same.



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For Petitioner : Mrs.T.Hemalatha

For Respondents : Mr.P.Ganesan,
Additional Government Pleader

ORDER

When the matter is taken up for consideration, it is reported by Mrs.T.Hemalatha, learned counsel for the petitioner that the issue that arise for consideration in this writ petition is squarely covered by an order dated 01.10.2024 passed by this court in W.P.Nos.23327 and 23791 of 2013.

2. Mr.P.Ganesan, learned Additional Government Pleader, having gone through the said order dated 01.10.2024, fairly submitted that the issue is squarely covered by the said order, wherein it was held as under:-

“6. Mr.R.Neelakandan, learned Additional Advocate General Pleader appearing for the respondents, by placing reliance on Paragraph No.17 of the counter-affidavit, categorically submitted that the fixation of pay consequent upon revision of seniority is not denied, but it is only the monetary benefits that were denied to the petitioners. Paragraph 17 of the counter-affidavit reads as under:-

“17. With reference to the averments



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made in Ground (d) of the affidavit, it is submitted that the petitioner was initially appointed in the consolidated pay post of Field Surveyor-Draftsman on contract basis on 04.12.1982. He was absorbed in the time scale post of Field Surveyor with effect from 28.03.1988 as per the procedure followed then. His services were regularised in the category of Field Surveyor with effect from 28.03.1988. The procedure followed then, has been modified in view of the implementation of the Order of Tamil Nadu Administrative Tribunal in O.A.199/90 dated 09.09.1991 and the order of Honourable Supreme Court of India, in C.A.926/2004 and the order of this Hon'ble Court, in W.P.No.10507 and 10508 of 2011 and his services were regularised in the category of Field Surveyor with effect from 01.07.1984. His date of regularisation in the category of Field Surveyor has been revised from 28.03.1988 to 01.07.1984 notionally and subsequently the date of regularisation in the higher post has also



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been revised notionally. Allowing monetary benefits consequent to the revision in the cadre Field Surveyor, to the petitioner, could open flood gates for large numbers of similar cases, involving, and huge exchequer to the Government. Hence the Government, in G.O.(Ms). No.425, Revenue Department, dated 27.11.2012, taking into account, the financial burden involved, restricted the benefit of revision of regularization to seniority and service benefits only and not granted any monetary benefits.”

7. In the light of the statement made in Paragraph No.17 of the counter-affidavit stating that the petitioners are granted seniority and service benefits only, the claim of the petitioners cannot be denied for notional fixation of pay and consequential revision of pension.

8. Accordingly, the writ petitions are allowed, directing the respondents to fix the pay of the petitioners notionally consequent upon the revision of seniority under G.O (Ms) No.425, Revenue N.e.A-3(2) Department, dated 27.11.2012 and also revise the pension payable to



the petitioners accordingly.”

In the light of the above, the impugned order is liable to be quashed and accordingly, the impugned order bearing ROC. N2/7662/2014 (LS) dated 11.11.2014 is quashed.

3. Accordingly, the writ petition is allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

22.11.2024
(1/3)

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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MUMMINENI SUDHEER KUMAR, J.

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