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W.P.No.27244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27244 of 2024

J.Suresh,
Firka Surveyor,
Vellode Firka, Perundurai Taluk,
Erode District – 638 112.

.. Petitioner

Vs.

- 1.The Director,
Survey and Settlement Department,
Survey House, Chepauk – 600 005.
- 2.The Regional Deputy Director,
Survey and Land Records Department,
Coimbatore.
- 3.The Assistant Director of Survey
and Land Records and P.A. to Collector,
Collectorate, Erode.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the appeal dated 05.06.2024 filed by the petitioner, seeking to include the name of the petitioner in the promotion panel for the year 2023-2024 for the post of Sub-Inspector of Survey and to promote him to the post of Sub-Inspector of Survey from the date the juniors were



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promoted, with all other attendant benefits such as seniority, arrears of salary and other consequential benefits.

For petitioner : Mr.V.Anandhamurthy

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 2nd respondent to deal with the appeal filed by the petitioner on 05.06.2024 and to pass orders within the time frame fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3.The case of the petitioner is that he was appointed as Firka Surveyor in the year 2015 on compassionate grounds. His services were also regularized. The 3rd respondent issued a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. An Enquiry Officer was appointed and enquiry report was also submitted. The petitioner gave his explanation and inspite of the same, the 3rd respondent through proceedings dated 28.12.2018, imposed a punishment



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of stoppage of increment for three months without cumulative effect. The petitioner was further barred from writing the TNPSC Exam from May 2016 to May 2019.

4.The petitioner did not file any appeal against the order passed by the 3rd respondent dated 28.12.2018. The 3rd respondent thereafter published the promotional panel list on 26.06.2023 for the year 2023-2024 in which the name of the petitioner was not included. The grievance of the petitioner is that the petitioner is No.1 in the seniority list and his name was not included and whereas, the names of his juniors were included. They were also promoted and transferred to the respective posts. The 3rd respondent also issued a memorandum dated 26.06.2023 to the petitioner stating that the name of the petitioner was not included in the promotion panel due to the punishment imposed against the petitioner on 28.12.2018. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent on 05.06.2024. Since, the same was not considered and no orders were passed, the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a



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direction to the 2nd respondent to deal with the appeal filed by the petitioner on 05.06.2024, on its own merits and in accordance with law and pass final orders within a period of four (4) weeks from the date of receipt of a copy of this order.

6.The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order.

7.In the result, this Writ Petition is disposed of with the above directions. No costs.

19.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To



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N.ANAND VENKATESH, J.

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