



W.P.(MD)No.1601 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.1601 of 2021
and
WMP(MD)Nos.1364 and 1365 of 2021

V.Muthuraja

.. Petitioner

Vs.

1. State of Tamil Nadu,
Represented by the Principal Secretary,
Revenue and Disaster Management Department,
Survey and Settlement (SS 4(1) Section,
Fort St.George,
Chennai-6.

2. The Director of Survey and Settlement,
O/o.The Director of Survey and Settlement,
“Survey House”,
Chepauk,
Chennai-600 005.

3. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
V.O.C.Nagar,
Chennai-600 003.



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4. The Commissioner of Land Administration,
O/o.Commissioner of Land Administration,
Ezhilagam,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.Ms.No.427, Revenue and Disaster Management Department, Survey and Settlement Unit, (SS4(1) Section, dated 18.08.2020 on the file of the Respondent No.1 and consequently direct the respondents 1 and 2 to fill up the vacancies in the post of Draftsman, Land Revenue Draftsman and Senior Draftsman within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.S.Rajasekar

For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader
for R1, R2 & R4

: Mr.J.Anand Kumar
Standing Counsel for R3



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ORDER

The writ petition has been filed by the petitioner claiming as the President of Tamil Nadu Survey Computer Draughtsman Association, challenging the Government Order in G.O.Ms.No.427, Revenue and Disaster Management Department, Survey and Settlement Unit, (SS4(1) Section, dated 18.08.2020 issued by the first respondent and sought for the consequential direction to the respondents 1 & 2 to fill up the vacancies in the post of Draftsman, Land Revenue Draftsman and Senior Draftsman within the time frame stipulated by this Court.

2. Through the impugned Government Order, the Government converted the 170 number of Draftsman into the post of Field Surveyor and the detailed reasoning is given as to the purpose of which such conversion is made. The petitioner herein claiming to be the President of the Draughtsman Association filed the present writ petition questioning the said conversion.



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3. In the considered view of this Court, the petitioner has no *locus standi* to challenge the said Government Order. Which posts are to be converted and the cadre strength required etc., are all the matters which are squarely within the domain of the employer. The Association or the petitioner herein have no role to play. Those are all the matters which will be decided by the Government in terms of its policy decision. The reason for challenging the said conversion by the petitioner in this writ petition is that by converting 170 Draftsman to that of Field Surveyor, there will not be any sufficient strength of Draftsman to discharge the function of the Draftsman. It is the matter for the Government to look into, but not this Court to examine such aspects. In the circumstances, this Court is not inclined to interfere with the impugned Government Order.

4. Further, pursuant to the impugned Government Order, the conversion had already taken place and the persons concerned have already been working as Field Surveyors for the past four years. For this reason also, this Court is not inclined to interfere with the impugned order.



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5. Further during the course of hearing, it is also brought to the notice of this Court that the integration of new recruits of Surveyors and Draftsman cadre is pending for consideration of the Government and the petitioner herein is also one of the member of such Committee constituted for such integration. If that be the case, the petitioner can pursue the matter before the Government.

6. Coming to the consequential relief sought by the petitioner to fill up the post of Draftsman, Senior Draftsman, etc., is concerned, it is also the matter for the Government to consider, in case proper representations is made by the petitioner. Hence, this Court is not inclined to grant any positive direction to the respondent to fill up such post and in the considered view of this Court, liberty may be granted to the petitioner to approach the respondent by submitting proper representation in that regard.



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7. In the light of the above, this Court is not inclined to interfere with the impugned Government Order. Accordingly, this Writ Petition is disposed of granting liberty to the petitioner to approach the Government by submitting representation in connection with the filling up of the post of Draftsman. In case, any representation submitted by the petitioner, the same may be considered by the first respondent and appropriate orders thereto be passed as early as possible, at any rate, within a period of three months from the date of submission of such representation. No Costs. Consequently, connected miscellaneous petitions are closed.

20.03.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

PJL

To

1. The Principal Secretary,
State of Tamil Nadu,
Revenue and Disaster Management Department,
Survey and Settlement (SS 4(1) Section,
Fort St.George, Chennai-6.



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2. The Director of Survey and Settlement,
O/o.The Director of Survey and Settlement,
“Survey House”,
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3. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
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MUMMINENI SUDHEER KUMAR, J.

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